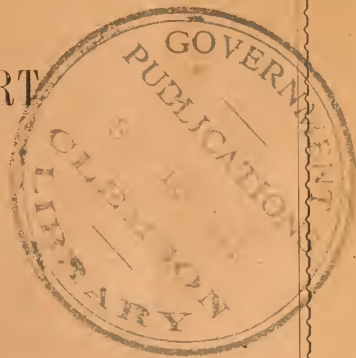


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ANNUAL REPORT



OF THE

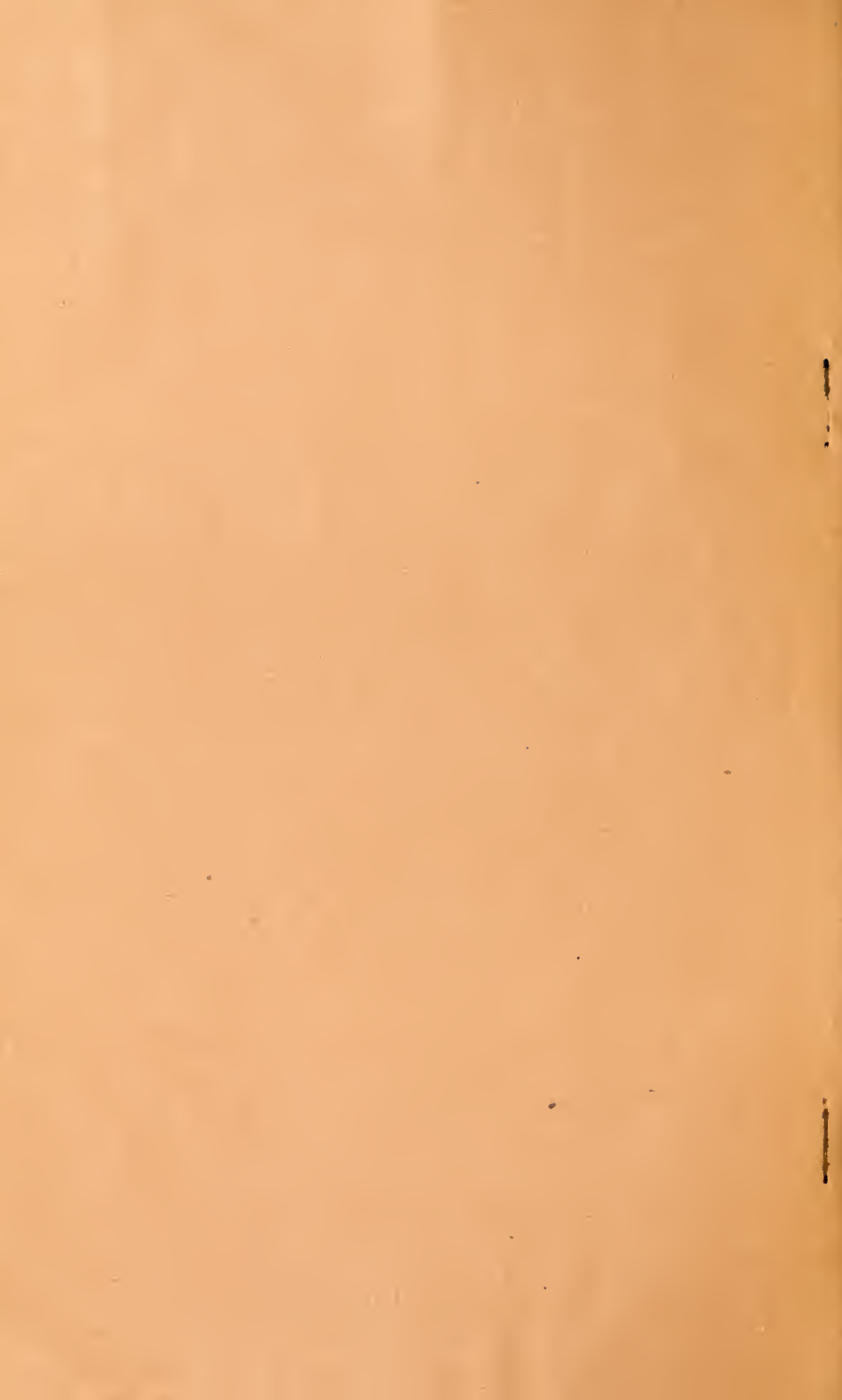
COMMISSIONER OF THE GENERAL LAND OFFICE

FOR THE

FISCAL YEAR ENDING JUNE 30, 1893.



WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1893.



ANNUAL REPORT

OF THE

COMMISSIONER OF THE GENERAL LAND OFFICE

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REPORT OF THE COMMISSIONER OF THE GENERAL LAND OFFICE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., September 22, 1893.

SIR: I have the honor to submit herewith the Annual Report of the General Land Office for the fiscal year ending June 30, 1893. Of this period, about nine months were embraced in the terms of my immediate predecessors in office and some three months in my own term, dating from March 28, 1893.

The functions of this office comprehend all executive duties appertaining to the surveying and sale of the public lands of the United States or in anywise respecting such public lands, and also such as relate to private claims of land and the issuing of patents for all grants of land under the authority of the Government.

The executive duties referred to consist in giving proper effect to the laws enacted by Congress from time to time bearing upon the subject of the public lands. The act of Congress of March 3, 1891 (26 Stat., 1095), repealed the laws providing for the disposal of the public lands to preëmtors and the laws which provided for the disposal thereof for the encouragement of timber culture upon the treeless or prairie lands of the West, so far as regards the future initiation of claims thereunder, thus restricting subsequent disposals under said laws to such as were required for perfecting claims previously initiated thereunder.

By this legislation, parties desiring to acquire title to public lands of the class of ordinary farming or agricultural lands are restricted to the method provided in the homestead laws, admitting of perfecting title after five years' residence on the entered tracts or by the method of commuting their entries, by which that condition is dispensed with and title obtained after a more limited period of residence and the payment of money or certain descriptions of land warrant or scrip. The same act modified the commutation principle so as to extend the time of residence required from a period sufficient to evidence good faith, ordinarily not less than six months from date of establishing residence on the land, to one of fourteen months, counting from the date of entry actually effected by the party and made of record.

The previous act of August 30, 1890 (26 Stat., 391), restricted entries of public lands to 320 acres, in the aggregate, for each entryman, under all the laws providing for the disposal of such lands, but there is not to be included in the computation any lands previously entered by the party or any lands mineral in character, under Secretary's decision of December 29, 1890, 12 L. D., 87, and seventeenth section of the act of March 3, 1891, 26 Stat., 1095.

These changes in the laws have already considerably affected the business of this office, although there is still much remaining to be done in disposing of the claims that had accrued under the preëmption and timber-culture laws, at the time of their repeal. Parties who formerly were at liberty to make both a preëmption and a timber-culture entry of 160 acres each, in addition to a homestead entry, may now make a homestead entry of 160 acres, as the maximum, but not a preëmption or a timber-culture entry.

The statements elsewhere given in this report show a falling off, during the fiscal year just ended, in regard to final entries, of 4,004 in the number of entries, and 433,477 acres in the area of land taken up thereby, and in regard to original entries a decrease of 6,891 in the number of entries, and 962,111.71 acres in the area.

With regard to the class of timber-culture entries subsisting at the date of the repealing act of March 3, 1891, the privilege of commuting and acquiring title after four years from date of entry, without further timber culture, at \$1.25 per acre, was extended by that act, and this privilege was taken advantage of during the fiscal year ending June 30, 1893, to the extent of 354,651.75 acres.

DISPOSAL OF PUBLIC LANDS.

The following is a statement of the acreage of public lands disposed of during the fiscal year ending June 30, 1893:

| CASH SALES. | | Acre. |
|--|--|-----------------|
| Private entries..... | | 14, 819. 96 |
| Public auction..... | | 1, 848. 17 |
| Preëmption entries..... | | 718, 336. 27 |
| Timber and stone land entries..... | | 182, 340. 61 |
| Mineral-land entries..... | | 42, 464. 33 |
| Desert-land entries..... | | 417, 018. 50 |
| Excesses on homestead and other entries..... | | 12, 334. 43 |
| Coal-land entries..... | | 10, 860. 13 |
| Lassen County desert-land entries..... | | 440. 00 |
| Town-site entries..... | | 2, 651. 72 |
| Abandoned military reservation..... | | 300. 02 |
| Additional payments..... | | 371. 19 |
| Act June 15, 1844..... | | 589. 15 |
| Act March 3, 1887..... | | 194. 38 |
| Act May 2, 1890..... | | 109. 97 |
| Cash substitutions..... | | 40. 00 |
| Change of entry..... | | 239. 90 |
| | | <hr/> |
| | | 1, 404, 958. 82 |

MISCELLANEOUS.

| | |
|---|-------------------|
| Homestead entries (original)..... | \$6, 808, 791. 56 |
| Timber-culture entries (original)..... | 10, 988. 98 |
| Entries with— | |
| Military bounty-land warrants | \$5, 086. 09 |
| Agricultural college scrip | 160. 00 |
| Private-land scrip | 8, 297. 31 |
| Sioux half-breed scrip | 160. 00 |
| Valentine scrip | 125. 26 |
| State selections | 1, 230, 676. 49 |
| Railroad selections | 1, 966, 844. 07 |
| Swamp lands | 249, 854. 09 |
| Indian allotments | 115, 497. 31 |
| Donation claims | 246. 06 |
| | <hr/> |
| | 10, 396, 727. 22 |
| Total area of land entries and selections | 11, 801, 686. 04 |

INDIAN LANDS.

| | |
|--|------------------------------|
| Cherokee school-lands | 120. 26 |
| Ute | 77, 095. 51 |
| Osage trust and diminished reserve | 6, 978. 72 |
| Sioux | 3, 091. 38 |
| Flathead | 720. 00 |
| Omaha | 997. 39 |
| Ponca | 454. 69 |
| | <hr/> |
| | 89, 457. 95 |
| Grand total | <hr/> <hr/> 11, 891, 143. 99 |

RECAPITULATION.

| | |
|-----------------------------|------------------|
| Area sold for cash | 1, 404, 958. 82 |
| Miscellaneous entries | 10, 396, 727. 22 |
| Indian lands | 89, 457. 95 |
| | <hr/> |
| Aggregate | 11, 891, 143. 99 |

The foregoing does not include the following entries, the areas of which have been previously reported in the "original entries" of the respective classes:

| | |
|---|-----------------|
| | Acre. |
| Commuted homesteads (sec. 2301, R. S.) | 425, 665. 25 |
| Commuted homesteads (act June 15, 1880) | 1, 456. 67 |
| Commuted timber-culture entries (act March 3, 1891) | 354, 651. 75 |
| Final homestead entries | 3, 477, 231. 63 |
| Final timber-culture entries | 914, 351. 34 |
| Final desert-land entries | 231, 672. 18 |
| And other areas consisting of university selections, military bounty-land warrants, additional payments, cash substitutions, town sites, etc .. | 6, 062. 12 |
| | <hr/> |
| | 5, 411, 090. 94 |

The filings and fees therefrom are stated in the annexed table:

| Kind of filings. | Number. | Fees. |
|-------------------------------------|---------|------------|
| Preëmption | 1,721 | \$4,766.00 |
| Homestead | 615 | 1,307.00 |
| Coal | 1,277 | 3,822.00 |
| Town site | 9 | 22.00 |
| Valentine scrip | 2 | 2.00 |
| Mineral applications | 1,695 | 16,950.00 |
| Timber and stone applications | 2,268 | 22,680.00 |
| | 7,587 | 49,549.00 |
| Mineral adverse claims | 383 | 3,830.00 |
| Total | 7,970 | 53,379.00 |

Miscellaneous fees as follows:

| | |
|--|------------|
| Cancellation notices | \$2,068.00 |
| Reducing testimony, etc | 71,170.99 |
| Erroneously collected | 144.00 |
| Supplemental payments on timber and stone applications | 405.00 |
| | 73,787.99 |
| | 127,166.99 |

CASH RECEIPTS.

The following is a statement of the cash receipts of the office, from various sources, during the fiscal year ending June 30, 1893:

| | |
|---|--------------|
| Sales of land at private entry | \$18,628.53 |
| Sales of land at public auction | 2,674.49 |
| Sales of land by preëmption entry | 955,362.17 |
| Sales of timber and stone land | 455,353.87 |
| Sales of mineral land | 165,486.84 |
| Sales of desert land (original) | 104,259.51 |
| Sales of, desert land (final) | 238,071.93 |
| Commuted homesteads, under sec. 2301, R. S | 600,223.54 |
| Commuted homesteads, under act June 15, 1880 | 1,684.47 |
| Commuted timber cultures, under act March 3, 1891 | 443,421.69 |
| Excesses on homestead and other entries | 17,806.65 |
| Sales of town sites | 4,835.84 |
| Sales of town lots | 180.00 |
| Sales of coal land | 181,764.30 |
| Sales of Lassen County desert land | 550.00 |
| Sales of abandoned military reservations | 375.02 |
| University selections | 302.12 |
| Additional payments | 1,999.67 |
| Cash substitutions | 300.00 |
| Total cash receipts | 3,193,280.64 |

FEES AND COMMISSIONS.

| | |
|--|------------|
| For homestead entries | 804,717.81 |
| For timber-culture entries | 25,269.00 |
| For military bounty-land warrant locations | 209.00 |
| For agricultural college scrip locations | 4.00 |
| For State selections | 14,468.50 |
| For railroad selections | 26,316.35 |

| | | |
|---|-------------|-----------------|
| For Valentine scrip locations | \$3. 00 | |
| For donation claims | 30. 00 | |
| For preëmption and other filings | 53, 379. 00 | |
| For reducing testimony to writing, etc..... | 73, 787. 99 | |
| | <hr/> | \$998, 184. 65 |
| Total receipts from the disposal of public land | | 4, 191, 465. 29 |
| Total receipts from the disposal of Indian lands..... | | 284, 752. 65 |
| Total receipts from timber depredations,..... | | 3, 516. 20 |
| | | <hr/> |
| Total cash receipts..... | | 4, 479, 734. 14 |

Number and class of final and original entries, selections, and filings made during the year compared with the year

| Class of entry. | Number of entries. | Number of acres. | Cash receipts. | |
|---|--------------------|------------------|----------------|-----------------------|
| | | | Sales. | Fees and commissions. |
| FINAL ENTRIES. | | | | |
| Private..... | 216 | 14,819.96 | \$18,628.53 | ..... |
| Public auction..... | 63 | 1,848.17 | 2,674.49 | ..... |
| Preemption..... | 4,824 | 718,336.27 | 955,362.17 | ..... |
| Timber and stone..... | 1,382 | 182,340.61 | 455,353.87 | ..... |
| Mineral..... | 1,315 | 42,464.33 | 165,486.84 | ..... |
| Desert land..... | 883 | 231,672.18 | 238,071.93 | ..... |
| Commuted homesteads (under sec. 2301, R. S.)..... | 3,175 | 425,665.25 | 600,223.54 | ..... |
| Commuted homesteads (under act June 15, 1880)..... | 11 | 1,456.67 | 1,684.47 | ..... |
| Commuted timber cultures (under act, Mar. 3, 1891)..... | 2,418 | 354,651.75 | 443,421.69 | ..... |
| Excesses on homestead and other entries..... | 4,001 | 12,334.43 | 17,806.65 | ..... |
| Town sites..... | 17 | 2,651.72 | 4,835.84 | ..... |
| Town lots..... | 10 | ..... | 180.00 | ..... |
| Coal land..... | 75 | 10,860.13 | 181,764.30 | ..... |
| Lassen County desert land..... | 1 | 440.00 | 550.00 | ..... |
| Abandoned military reservations..... | 7 | 300.02 | 375.02 | ..... |
| University selections..... | 3 | ..... | 302.12 | ..... |
| Additional payments..... | 30 | 371.19 | 1,999.67 | ..... |
| Cash substitution..... | 3 | 40.00 | 300.00 | ..... |
| Homesteads..... | 24,204 | 3,477,231.63 | ..... | \$123,943.59 |
| Timber culture..... | 6,053 | 914,351.34 | ..... | 24,260.00 |
| Military bounty-land warrants..... | 62 | 5,086.09 | ..... | 209.00 |
| Scrip locations under the several acts..... | 104 | 8,742.57 | ..... | 7.00 |
| Indian allotments..... | 878 | 115,497.31 | ..... | ..... |
| Donation claims..... | 4 | 246.06 | ..... | 30.00 |
| Indian lands..... | 49,739 | 6,521,407.68 | 3,089,021.13 | 148,449.59 |
| | 1,000 | 89,457.95 | 284,752.65 | ..... |
| | 50,739 | 6,610,865.63 | 3,373,773.78 | 148,449.59 |
| ORIGINAL ENTRIES. | | | | |
| Desert land..... | 2,197 | 417,018.50 | 104,259.51 | ..... |
| Homestead..... | 48,436 | 6,808,791.56 | ..... | 680,774.22 |
| Timber culture..... | 76 | 10,988.98 | ..... | 1,009.00 |
| | 50,709 | 7,236,799.04 | 104,259.51 | 681,783.22 |
| RAILROAD AND STATE SELECTIONS. | | | | |
| Railroad..... | 13,153 | 1,966,844.07 | ..... | 26,316.35 |
| State (under the several acts)..... | 7,473 | 1,480,530.58 | ..... | 14,468.50 |
| | 20,626 | 3,447,374.65 | ..... | 40,784.85 |
| FILING AND MISCELLANEOUS FEES. | | | | |
| Filing fees and mineral adverse claims..... | 7,970 | ..... | ..... | 53,379.00 |
| Fees for reducing testimony to writing, etc..... | ..... | ..... | ..... | 73,787.99 |
| | 7,970 | ..... | ..... | 127,126.99 |
| RECAPITULATION BY TOTALS. | | | | |
| Final entries..... | 50,739 | 6,610,865.63 | 3,373,773.78 | 148,449.59 |
| Original entries..... | 50,709 | 7,236,799.04 | 104,259.51 | 681,783.22 |
| Railroad and State selections..... | 20,626 | 3,447,374.65 | ..... | 40,784.85 |
| Filing and miscellaneous fees..... | 7,970 | ..... | ..... | 127,166.99 |
| Total..... | 130,044 | 17,295,039.32 | 3,478,033.29 | 998,184.65 |
| Net total of decrease..... | | | | |

Net increase in final entries, 4,004, in acres 433,477.

year ending June 30, 1893; also the amount of cash for same and increase or decrease as ending June 30, 1892.

| Increase as compared with 1892. | | | | Decrease as compared with 1892. | | | |
|---------------------------------|------------------|--------------|-----------------------|---------------------------------|------------------|-------------|-----------------------|
| Number of entries. | Number of acres. | Cash sales. | Fees and commissions. | Number of entries. | Number of acres. | Cash sales. | Fees and commissions. |
| 9 | | | | 17 | 251.69 | \$151.08 | |
| 376 | 44,800.71 | \$111,527.47 | | 1,779 | 1,363.49 | 4,860.59 | |
| 3 | 5,923.41 | 21,305.08 | | | 195,446.67 | 283,189.46 | |
| 145 | 29,649.65 | 27,142.00 | | | | | |
| 261 | 41,965.43 | 64,889.82 | | | | | |
| | 455.45 | 372.97 | | | | | |
| | | | | 197 | 24,692.76 | 31,496.16 | |
| | | | | 440 | 1,256.80 | 1,642.98 | |
| 5 | 1,014.16 | 839.44 | | 107 | | 85,140.00 | |
| 29 | 4,924.70 | 67,055.70 | | 8 | 1,639.75 | 2,049.68 | |
| 4 | 139.74 | 174.67 | | | | | |
| 3 | | 302.12 | | 39 | | 2,326.15 | |
| | 77.46 | | | 1 | 120.00 | 300.00 | |
| 1,382 | 217,334.56 | | \$8,287.52 | | | | |
| 2,175 | 346,336.08 | | 8,729.35 | | | | |
| | | | | 93 | 8,167.81 | | \$242.00 |
| | | | | 162 | 26,486.70 | | 17.00 |
| 70 | | | | | 7,279.08 | | |
| 1 | | | 15.00 | | 233.94 | | |
| 4,463 | 692,921.35 | 293,609.27 | 17,031.88 | 2,843 | 266,938.29 | 411,156.10 | 259.00 |
| | | | | 2,208 | 8,008.93 | 171,929.19 | |
| 4,463 | 692,921.35 | 293,609.27 | 17,031.88 | 5,051 | 274,947.22 | 583,085.29 | 259.00 |
| | | | | | | | |
| | | | | 22 | 24,454.96 | 12,027.54 | |
| | | | | 6,677 | 907,270.77 | | 90,869.62 |
| | | | | 192 | 30,385.98 | | 2,673.00 |
| | | | | 6,891 | 962,111.71 | 12,027.54 | 93,542.62 |
| | | | | | | | |
| | | | | 4,181 | 798,599.07 | | 8,327.02 |
| | 188,235.84 | | | 551 | | | 963.21 |
| | | | | 4,732 | 798,599.07 | | 9,290.23 |
| | 188,235.84 | | | | | | |
| | | | | | | | |
| | | | 12,868.00 | 479 | | | |
| | | | 6,673.36 | | | | |
| | | | | | | | |
| | | | 19,541.36 | 479 | | | |
| | | | | | | | |
| 4,463 | 692,921.35 | 293,609.27 | 17,031.88 | 5,051 | 274,947.22 | 583,085.29 | 259.00 |
| | | | | 6,891 | 962,111.71 | 12,027.54 | 93,542.62 |
| | 188,235.84 | | | 4,732 | 798,599.07 | | 9,290.23 |
| | | | 19,541.36 | 479 | | | |
| 4,463 | 881,157.19 | 293,609.27 | 36,573.24 | 17,153 | 2,035,658.00 | 595,112.83 | 103,091.85 |
| | | | | 4,443 | 881,157.19 | 293,609.27 | 36,573.24 |
| | | | | 12,690 | 1,154,500.81 | 301,503.56 | 66,518.61 |

Net decrease in original entries 6,891, in acres 962,111.71.

ISSUE OF PATENTS FOR LANDS DISPOSED OF.

AGRICULTURAL PATENTS ISSUED.

Patents of the class denominated agricultural were issued during the fiscal year ending June 30, 1893, to the number of 43,684, containing approximately 6,989,440 acres, made up of the following, viz:

| | |
|---|---------|
| Cash patents | 16, 317 |
| Homestead patents | 21, 643 |
| Timber-culture patents | 5, 340 |
| Military patents | 115 |
| Agricultural college scrip | 6 |
| Supreme Court scrip | 2 |
| Surveyor-general's scrip | 184 |
| Sioux half-breed scrip | 58 |
| Valentine scrip | 5 |
| Cole scrip | 1 |
| Choctaw scrip | 1 |
| Chippewa half-breed scrip | 1 |
| Metoyer scrip | 1 |
| Arredondo scrip | 1 |
| Special act of Congress October 1, 1890 | 5 |
| Red Lake and Pembina scrip | 4 |

43, 684

The class of patents embraced in the above includes all patents issued on final and commuted homestead entries, on preëmption, timber-culture, desert, private cash, town-site, and other entries embracing land of an agricultural, nonmineral character.

This statement shows a decrease in the number of patents issued during the last fiscal year as compared with the next preceding of 52,696, and in the approximate number of acres contained therein a decrease of 8,431,360, the number of patents issued in the fiscal year ending June 30, 1892, having been 96,380, and the number of acres contained therein approximating 15,420,800.

It is thought that this great decrease may be explained in part by the fact of extraordinary efforts having been made, conformably to the policy which then obtained, to hasten the issue of patents during the fiscal year ending June 30, 1892, aided by the provisions of the act of March 3, 1891, confirming large numbers of entries and requiring that they should be patented at once, which had been suspended for the investigation of various questions affecting their validity under previously existing laws, and in part by the changes affected by the act of March 3, 1891, repealing the preëmption laws, and the act of August 30, 1890, limiting the quantity of agricultural lands, which might be appropriated by any one person to 320 acres, in the aggregate, under all the statutes.

MINERAL PATENTS.

Of mineral and mill-site patents, 1,623 were issued, as against 3,242 for the fiscal year ending June 30, 1892, a decrease of 1,619. Of coal patents, 104 were issued, as against 80 patents for the fiscal year ending June 30, 1892, an increase of 24, and including an area of 14,009.81 acres, as against an area during the previous year of 10,976.74 acres, or an increase in area of 3,033.07 acres.

In the following table are shown the States and Territories in which mineral and mill site and coal-land patents were issued:

| States and Territories. | Coal land. | | Mineral and mill site. |
|-------------------------|------------|---------------|------------------------|
| | No. | Area. | |
| | | <i>Acres.</i> | |
| Alaska | | | 2 |
| Arkansas | | | 7 |
| Arizona | | | 58 |
| California | | | 130 |
| Colorado | 43 | 5,754.85 | 601 |
| Florida | | | 2 |
| Idaho | | | 73 |
| Montana | | | 318 |
| Nevada | | | 25 |
| New Mexico | | | 77 |
| Oregon | 4 | 318.81 | 11 |
| South Dakota | | | 79 |
| Utah | 7 | 1,000.00 | 177 |
| Washington | 33 | 4,983.00 | 44 |
| Wyoming | 17 | 1,953.15 | 19 |
| Total | 104 | 14,009.81 | 1,623 |

RAILROAD LANDS PATENTED.

There were patented (or certified with the effect of patenting) for the benefit of railroad companies under Congressional grants during the fiscal year ending June 30, 1893, 1,726,179.95 acres, as shown in the following table:

| Union Pacific Railway Company: | <i>Acres.</i> |
|---|---------------|
| Kansas | 48,794.83 |
| Nebraska | 314.47 |
| Atlantic and Pacific Railroad Company, New Mexico | 312,386.73 |
| Central Pacific Railroad Company, Utah | 75,382.16 |
| Central Pacific Railroad Company, Oregon Division, California | 187,275.55 |
| New Orleans Pacific Railway Company, Louisiana | 70,807.36 |
| Gulf and Ship Island Railroad Company, Mississippi | 39,810.52 |
| Florida Central and Peninsula Railroad Company, Florida | 255,560.32 |
| Oregon and California Railroad Company, Oregon | 292,486.90 |
| Southern Pacific Railroad Company, California | 71,553.11 |
| Northern Pacific Railroad Company: | |
| Minnesota | 2,055.84 |
| North Dakota | 210,397.78 |
| Washington | 148,469.54 |
| Oregon | 422.75 |
| Denver Pacific, Colorado | 116.71 |
| Dubuque and Sioux City, Iowa | 200.00 |
| Hastings and Dakota, Minnesota | 9,905.38 |
| Chicago, Milwaukee and St. Paul, Iowa | 240.00 |
| Total | 1,726,179.95 |

As against an area patented to railroads during the last fiscal year preceding of 2,018,553.64 acres, showing a decrease of 292,373.69 acres.

SWAMP-LAND PATENTS.

The following statement shows the acreage of swamp lands and swamp-land indemnity lands patented during the year; also the acreage selected by the States and approved by this office, and the total acreage certified and patented since the date of the first swamp-land grant, March 2, 1849:

Swamp lands and swamp-land indemnity lands selected, approved, and patented during the fiscal year ending June 30, 1893.

| States. | Swamp lands. | | | Swamp-land indemnity lands. | | | Total patented since dates of grants. |
|-------------------|---------------|---------------|---------------|-----------------------------|---------------|---------------|---------------------------------------|
| | Selected. | Approved. | Patented. | Selected. | Certified. | Patented. | |
| | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> |
| Alabama | | | | | | 2,974.89 | 414,164.15 |
| Arkansas | | | | | | | 7,666,649.31 |
| California | | 271.30 | 391.30 | | | | 1,529,676.77 |
| Florida | | 184,135.61 | 221,820.04 | | | | 16,643,073.34 |
| Illinois | | | | 4,360 | | | 1,455,641.45 |
| Indiana | | | | | | | 1,257,863.05 |
| Iowa | | 560.00 | 360.00 | | | | 1,184,947.49 |
| Louisiana: | | | | | | | |
| Act of 1849 | | 50,090.98 | 1,611.06 | | | | 8,712,987.96 |
| Act of 1850 | | | | | | 4,623.66 | 249,540.42 |
| Michigan | | | 307.64 | | | | 5,668,531.65 |
| Minnesota | 118,785.32 | 43,519.70 | 9,590.50 | | | | 2,995,868.67 |
| Mississippi | | | | | | 47,846.88 | 3,307,000.08 |
| Missouri | | 40.00 | 120.21 | | | 3,480.00 | 3,426,836.27 |
| Ohio | | | | | | | 25,640.71 |
| Oregon | | 4,029.31 | 15,653.34 | | | | 216,079.97 |
| Wisconsin | | | | | | | 3,347,828.16 |
| Total | 118,785.32 | 282,646.90 | 249,854.09 | 4,360 | | 58,925.43 | 58,102,329.45 |

During the fiscal year ending June 30, 1893, patents were issued to the several States, under the swamp-land acts, on 249,854.09 acres of swamp lands and 58,925.43 acres of swamp-land indemnity lands, as shown in the above table, making, together, a total of 308,779.52 acres, being an increase of 132,681.54 acres patented during the fiscal year over the number of acres of swamp land and swamp-land indemnity land patented during the preceding fiscal year, viz, 176,097.98.

APPROVAL OF LANDS GRANTED FOR EDUCATIONAL AND OTHER PURPOSES.

The approvals during the year under the grants to the States and Territories for educational and other purposes, having the effect of a patent, embraced in the aggregate an area of 552,242.29 acres. There were also patented, under special provisions of law, 9,611.34 acres reported as approved in the report for the preceding fiscal year.

Following is a detailed statement:

| States. | Character of grant. | Approved. |
|-------------------|-----------------------------------|---------------|
| | | <i>Acres.</i> |
| Colorado..... | School-land indemnity..... | 134,265.57 |
| Nebraska..... | do..... | 30,918.18 |
| Louisiana..... | do..... | 295.20 |
| Nevada..... | do..... | 109,748.85 |
| Oregon..... | do..... | 39,508.66 |
| South Dakota..... | Agricultural college..... | 11,361.89 |
| Do..... | Deaf and dumb asylum..... | 21,822.97 |
| Do..... | Educational, charitable, etc..... | 14,482.12 |
| Do..... | Normal schools..... | 27,599.47 |
| Do..... | Public buildings..... | 27,286.81 |
| Do..... | Reform school..... | 22,378.04 |
| Do..... | School-land indemnity..... | 6,394.08 |
| Do..... | School of mines..... | 11,013.81 |
| Do..... | University..... | 24,233.15 |
| Utah..... | do..... | 45,836.05 |
| Washington..... | Agricultural college..... | 10,115.04 |
| Do..... | Normal schools..... | 11,163.00 |
| Do..... | Public buildings..... | 3,819.40 |
| Total..... | | 552,242.29 |

The above-stated acreage of 552,242.29 acres approved, against an area during the previous fiscal year of 598,660.33 acres, shows a decrease of 46,418.04 acres. The above figures, however, do not show the total area of selections disposed of during the year, inasmuch as there were selections canceled during that time aggregating in area 10,580.69 acres. Lists embracing several thousand acres have also been prepared and are now ready to be submitted to the honorable Secretary of the Interior for his approval. Could these selections be added to the area of approvals during the present fiscal year the amount would be far in excess of the approvals during the previous year. Aside from this, however, the actual work performed during the year was fully equal, if not in excess, of that of the previous year, inasmuch as the correspondence in connection with the grants for school and other purposes is constantly increasing, and the large number of lists of selections received in excess of those of the previous year required additional time for their examination.

INDIAN AND MISCELLANEOUS PATENTS.

The exhibit following shows the area of the land patented and the States and Territories where located, during the year, on private land claims, donations, and Indian allotments or selections in severalty, and scrip locations finally approved:

| States and Territories. | Acres. | States and Territories. | Acres. |
|-------------------------|-----------|-------------------------|------------|
| California..... | 14,241.69 | Nebraska..... | 4,242.76 |
| Florida..... | 16,610.00 | North Dakota..... | 101,610.93 |
| Illinois..... | 438.77 | Oklahoma Territory..... | 11,565.59 |
| Indian Territory..... | 30,027.93 | Oregon..... | 2,902.49 |
| Kansas..... | 14,527.84 | South Dakota..... | 172,994.01 |
| Louisiana..... | 12,543.02 | Washington..... | 888.90 |
| Minnesota..... | 160.00 | | |
| Missouri..... | 753.04 | Total..... | 455,737.28 |
| New Mexico..... | 72,230.31 | | |

Or a decrease in area, as compared with the previous fiscal year, of 590,729.18 acres, the area patented during that year having been 1,046,466.46 acres.

Recapitulation of patents issued as stated in the foregoing.

| Patents. | 1892. | 1893. | Increase. | Decrease. |
|--------------------------------|---------------|---------------|---------------|---------------|
| | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> |
| Agricultural | 15,420,800.00 | 6,989,440.00 | | 8,431,360.00 |
| Mineral | 10,976.74 | 14,009.81 | 3,033.07 | |
| Swamp | 176,097.98 | 308,779.52 | 132,681.54 | |
| Railroad | 2,018,553.64 | 1,726,179.95 | | 292,373.69 |
| Indian and miscellaneous | 1,046,466.46 | 455,737.28 | | 590,729.18 |
| Selections | 598,660.33 | 552,242.29 | | 46,418.04 |
| -Total | 19,271,555.15 | 10,046,388.85 | 135,714.61 | 9,360,880.91 |

Total net decrease, 9,225,166.30.

PUBLIC SURVEYS.

During the fiscal year ending June 30, 1893, surveys have been accepted after an examination in the field, careful comparison of the surveying returns with the reports of the examiners, and a critical examination of the plats and field notes in this office, as follows:

| States and Territories. | Acres. | States and Territories. | Acres. |
|-------------------------|-----------|-------------------------|------------|
| Arizona | 399,719 | North Dakota | 3,482,548 |
| California | 150,170 | Oregon | 707,748 |
| Colorado | 636,464 | South Dakota | 1,665,729 |
| Idaho | 182,193 | Utah | 179,696 |
| Minnesota | 1,312,084 | Washington | 507,457 |
| Montana | 2,292,870 | Wyoming | 895,903 |
| Nevada | 685,051 | | |
| New Mexico | 686,455 | Total | 13,784,187 |

The appropriation, by act approved August 5, 1892, for the survey and resurvey of the public lands for the fiscal year ending June 30, 1893, was \$375,000, of which \$75,000 was authorized to be applied to the examination of surveys in the field, etc. The sum of \$5,000 out of said appropriation was authorized to be used for the survey of the coal lands in the White Mountain or San Carlos Indian Reservation in Arizona.

The said act regulated the expenditure of the appropriation by the following provision, viz:

That in expending this appropriation preference shall be given in favor of surveying townships occupied, in whole or in part, by actual settlers, and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890, and other surveys shall be confined to lands adapted to agriculture and lines of reservation.

In addition to allowing the usual minimum rates of mileage (\$9, \$7, \$5) for the survey of designated lines, the following provision of previous

years with reference to augmented rates of compensation was also enacted, viz:

For the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thirteen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: *Provided further*, That in the States of Montana, Washington, Idaho, and Oregon, there may be allowed, with the approval of the Secretary of the Interior, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines.

It will be observed that the so-called special maximum rates of mileage, \$25 for standard and meander lines, \$23 for township, and \$20 for section lines heretofore allowed to the States of Oregon and Washington for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, were extended to the States of Montana and Idaho for the execution of similar surveys.

The act of August 5, 1892, also contains the following provision for the survey of land grants made to railroads, viz:

For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section one of the act of March third, eighteen hundred and eighty-seven, entitled "An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes," being chapter three hundred and seventy-six of volume twenty-four of the Statutes at Large, page five hundred and fifty-six, one hundred and twenty-five thousand dollars: *Provided*, That any portion of said sum expended for surveying such lands shall be reimbursed by the respective companies or parties in interest for whose benefit the lands are granted, according to the provisions of the act of July fifteen, eighteen hundred and seventy, chapter two hundred and ninety-two, volume sixteen, pages three hundred and five and three hundred and six, and act of July thirty-first, eighteen hundred and seventy-six, chapter two hundred and forty-six of volume nineteen, page one hundred and twenty-one, of the Statutes at Large, requiring "that before any lands granted to any railroad company shall be conveyed to such company or any persons entitled thereto under any of the acts incorporating or relating to said company, unless said company is excepted by law from the payment of such cost, there shall first be paid into the Treasury of the United States the cost of surveying, selecting, and conveying the same, by the said company or persons in interest:" *Provided*, That no part of this sum of money shall be used for any land embraced in any grant to the State of Florida.

After deducting \$75,000 for examination of surveys in the field the amount of the appropriation for public surveys outside of railroad land grant limits, actually available therefor, and applicable to all surveying districts was \$300,000, which amount, together with the appropri-

tion of \$125,000, for the survey of land grants to railroads, was apportioned as follows:

| District. | Public lands. | Railroad land grants. | Aggregate. | |
|--------------------|---------------|-----------------------|------------|---------|
| | | | 1893. | 1892. |
| Arizona | *\$10,000 | \$16,000 | \$26,000 | \$5,000 |
| California | 10,000 | 10,000 | 20,000 | 10,000 |
| Colorado | 15,000 | ----- | 15,000 | 12,000 |
| North Dakota | 20,000 | 5,000 | 25,000 | 25,000 |
| South Dakota | 25,000 | ----- | 25,000 | 25,000 |
| Idaho | 30,000 | 10,000 | 40,000 | 35,000 |
| Minnesota | 10,000 | ----- | 10,000 | 10,000 |
| Montana | 35,000 | 15,000 | 50,000 | 50,000 |
| Nevada | 5,000 | 5,000 | 10,000 | ----- |
| New Mexico | 15,000 | 5,000 | 20,000 | 6,000 |
| Oregon | 20,000 | 15,000 | 35,000 | 20,000 |
| Utah | 5,000 | 5,000 | 10,000 | 5,000 |
| Washington | 45,000 | 19,000 | 64,000 | 64,000 |
| Wyoming | 35,000 | ----- | 35,000 | 30,000 |
| Examinations | 75,000 | ----- | 75,000 | 40,000 |
| Reserve | 20,000 | 20,000 | 40,000 | 20,000 |
| Total | 375,000 | 125,000 | ----- | ----- |

*Of this \$10,000 apportioned to Arizona for the survey of public lands, \$5,000 may, by the terms of the law, be expended for the survey of the coal lands in the White Mountain or San Carlos Reservation.

The annual surveying instructions for the fiscal year ending June 30, 1893, are as follows:

GENERAL INSTRUCTIONS.

By the act of Congress approved August 5, 1892, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, and for other purposes, there was appropriated:

“For surveys and resurveys of public lands, three hundred and seventy-five thousand dollars, at rates not exceeding nine dollars per linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines: *Provided*, That in expending this appropriation preference shall be given in favor of surveying townships occupied in whole or in part, by actual settlers and of lands granted to the States by the act approved February twenty-second, eighteen hundred and eighty-nine, and the acts approved July third and July tenth, eighteen hundred and ninety, and other surveys shall be confined to lands adapted to agriculture, and lines of reservations, except that the Commissioner of the General Land Office may allow, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thirteen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, when the work can not be contracted for at these rates, compensation for surveys and resurveys may be made by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: *Provided further*, That in the States of Montana, Washington, Idaho, and Oregon, there may be allowed, with the approval of the Secretary of the Interior, for the survey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines, and for the extension of the seventh standard parallel north, in the State of Montana, from its present western terminus as provided for in surveying contract numbered two hundred and fifty-six, being the southwest corner of township twenty-nine

north, range twenty-seven west, westward to the western boundary of said State, the Secretary of the Interior may allow a rate not exceeding forty dollars per linear mile. And of the sum hereby appropriated not exceeding seventy-five thousand dollars may be expended for examination of public surveys in the several surveying districts in order to test the accuracy of work in the field, and to prevent payment for fraudulent and imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent; and inspecting mineral deposits, coal fields, and timber districts, and for making such other surveys or examinations, as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States; and of the sum hereby appropriated not exceeding five thousand dollars may be expended for the survey of the coal lands in the White Mountain or San Carlos Indian Reservation in Arizona."

From the \$295,000 available for apportionment among the several surveying districts, there is hereby apportioned to the district of the sum of \$.

The fund provided for examinations will be retained under the direct control of this office, and expended, in the main, for the maintenance of a corps of competent examiners, who will be detailed according to the exigencies of the service in the several surveying districts. A few cases may arise when it will be found more convenient and less expensive to have examinations made under the immediate supervision of the surveyor-general, and in such cases the question of the assignment of sums sufficient to enable the surveyor-general to have the examination made will be considered.

The law requires that in expending this appropriation preference shall be given in favor of surveying townships occupied in whole or in part by actual settlers, and of lands granted to the States by the act approved February 22, 1889, and the acts approved July 3 and July 10, 1890; hence in taking measures for the letting of contracts, it will be your first duty to ascertain the localities in which there are bona fide settlers, and the funds should be so applied as to benefit the greatest possible number of settlers.

All contracts for subdivisational surveys when transmitted to this office should be accompanied by *evidences of settlement* on the lands in the townships embraced in said contract. Said evidences are usually applications or petitions for survey signed by the *actual settlers on the lands*, together with the affidavits of the settlers, setting forth length of residence on their claims, and the nature, extent, and value of the improvements made thereon.

It has been brought to my attention that in certain surveying districts great difficulty has been and is experienced by surveyors-general in obtaining from the *settlers on the lands* the requisite papers to comply with existing surveying instructions, they being unable or unwilling, from various causes, to respond to repeated requests therefor from the surveyor-general.

In view of existing law, stated requirements, and said difficulties, and to the end that the manifest intent of Congress to have surveys extended over the agricultural portions of the public domain with promptness may be carried out, you are instructed in cases where the known actual settlers in a township neglect to forward applications or petitions for surveys, together with their affidavits, to obtain from other reliable sources information relative to said settlements and the class and character of the lands, and to submit the same to this office for examination and further instructions.

It is further suggested that townships *contiguous* to those for which evidences of settlement have been submitted to your office should also receive attention in the manner stated, more particularly when said townships are situate within the range and progress of settlement, embrace agricultural lands, and are therefore liable to be occupied by *actual settlers* in the near future.

Where applications are made to you *in writing* by the proper State authorities for

surveys of described localities or counties, for the purpose of enabling the respective States to select after survey lands granted thereto for educational and other purposes, under the provisions of the enabling acts approved February 22, 1889, and July 3 and July 10, 1890, you will not in such cases require any *evidences of settlement* on the lands, the stated applications being deemed sufficient compliance with existing law and surveying instructions. This paragraph is applicable only to the districts of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming.

The annual instructions issued for the fiscal year ended June 30, 1891, stated that for several years prior it had been the policy of this office to prohibit the survey of forests or heavily timbered lands, and that it became necessary, under the requirements of the annual appropriation act, to make some modification of said restriction.

The instructions issued last year are embodied herein as follows:

"There are in some localities fine agricultural lands which, although heavily timbered, are occupied in part by bona fide settlers, who, at great labor and expense, have improved the lands and made for themselves permanent homes to which they desire to obtain title. Whenever such cases arise, all the facts as to the character of the lands, the kinds and qualities of the timber, the number of settlers, and the character and approximate value of their improvements should be presented for the consideration of this office before contracting for the survey. Contracts will be allowed for the survey of timber lands only when their value for agricultural purposes is well established and satisfactory proof given of their occupation by bona fide settlers who have made permanent improvements.

"By the terms of the appropriation act the surveys (except of such lands as may be selected by the State under the act of February 22, 1889) must be confined to lands *adapted to agriculture and lines of reservations*. With regard to the survey of public lands this restriction is construed as pertaining to *subdivisional surveys*, and it will be necessary in some instances to extend standard and township lines over unarable lands in order to reach lands which are adapted to agriculture and occupied by actual settlers. In order, however, that the greatest possible benefit may be derived from the appropriation for surveys, the apportionment for your district should be applied, as far as practicable, to the survey of such townships containing arable lands and embracing settlements as are contiguous to existing lines, thus avoiding the expenditure of an undue portion of the available funds for the survey of standard lines.

"Instructions heretofore issued require that where a contract embraces the subdivision of a township, the survey of such township must be completed in its entirety, unless natural obstacles render such completion absolutely impossible. The object of this requirement (embraced in the annual instructions of April 6, 1886) was to prevent the practice of surveying the easier portions of a township and omitting the more difficult portions.

"The carrying out of this requirement might in many cases necessitate the survey of portions of townships unfit for agricultural purposes, and such lands are not surveyable under the appropriation for the current fiscal year. Cases may arise, especially in mountainous regions, where a considerable portion of the lands are not adapted to agricultural purposes, while the arable portion is occupied by actual settlers, and as preference is to be given under the law to occupied lands, the regulations as heretofore modified and issued, which permitted the survey of the cultivable portions of townships in which settlements have been made, leaving the uncultivable portions unsurveyed are reissued and herein embodied. In contracting for surveys in mountainous regions or in a tract of country where you know, or have reason to believe, that a portion of the lands are unfit for agricultural purposes, you will specially instruct your deputies as to the legal requirement to confine the surveys to lands adapted to agriculture, and direct them, in surveying townships containing both classes of land, to extend the subdivisional lines over *all* the lands in the township that *can properly be classed as agricultural*.

"Contracts must state specific rates. Whenever practicable contracts will be let under existing regulations and not exceeding the minimum rates (\$9, \$7, \$5), but you may, when necessary, allow a compensation not exceeding the intermediate rates (\$13, \$11, \$7), named in the appropriation act for the survey of the class of lands for which said rates are provided, and in letters transmitting contracts you will state fully, for the information of this office, your reasons for allowing such rates.

"In case of a demand for surveys for which, owing to exceptional difficulties to be encountered by the surveyor, a compensation exceeding the intermediate rates must be paid, you will, before taking any steps towards letting a contract, forward a statement showing the reason why the survey is required, and specifically why augmented rates should be allowed, setting forth the lowest rates at which you can obtain the service of a competent surveyor, character of the land, and all particulars necessary to the formation of a judgment (by the Department) upon the question of authorizing such a contract."

Your attention is called to circular letter E, dated December 23, 1891, the provisions of which are still in force as to surveys which require compensation above the intermediate rates (\$13, \$11, \$7). This paragraph is only applicable to the districts of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

Where surveys can be made at the minimum (\$9, \$7, \$5) or intermediate rates (\$13, \$11, \$7), you may proceed with the letting of contracts without the formality of advertising for proposals, but will use your best endeavors to secure the services of competent and reliable surveyors, at as much less than the rates allowed by law as possible. Select as your deputies, as far as practicable, men of known skill and integrity, and when not heretofore known to the United States surveying service, you will require satisfactory evidence of their competency, honesty, and ability to carry their contracts to completion. In letters transmitting contracts with persons not heretofore employed, you will present a statement of the evidence of qualifications furnished by them.

No contracts for resurveys will be entered into until express authority therefor shall have been granted by this office.

SPECIAL INSTRUCTIONS.

The following paragraphs were included in the annual instructions issued to the surveyors-general of Arizona, California, Idaho, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, and Washington:

The said act of August 5, 1892, also appropriates:

"For the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, to enable the Secretary of the Interior to carry out the provisions of section one of the act of March third, eighteen hundred and eighty-seven, entitled, 'An act to provide for the adjustment of land grants made by Congress to aid in the construction of railroads, and for the forfeiture of unearned lands, and for other purposes,' being chapter three hundred and seventy-six of volume twenty-four of the Statutes at Large, page five hundred and fifty-six, one hundred and twenty-five thousand dollars."

A portion of said appropriation will be applied to the survey of lands in your surveying district lying within the limits of land grants made by Congress to aid in the construction of railroads, and you will be duly advised of the amount to be apportioned for that purpose and the method of its application.

In response to the question as to "whether the specific appropriation of \$125,000 for the survey of public lands lying within the limits of railroad land grants operates to prevent the use of any portion of the appropriation of \$375,000 made for surveys and resurveys of public lands within the limits of such railroad land grants,"

submitted by this office through the Department, the First Comptroller of the Treasury replied as follows:

"The amount appropriated by the sundry civil act of August 5, 1892, for the survey of public lands lying within the limits of railroad grants to enable the Secretary of the Interior to carry out the provisions of section 1 of the act of March 3, 1887, 'to immediately adjust, in accordance with the decision of the Supreme Court, each of the railroad land grants made by Congress, heretofore unadjusted' (24 Stats., 556), is specific and limited to \$125,000, and that none of the appropriation of \$375,000 for surveys and resurveys of public lands can be used to survey any of the public lands lying within the limits of unadjusted railroad land grants. If Congress had not intended to divide these two appropriations and limit their use in the manner indicated, the appropriation would have been made in the sum of \$500,000. Such an appropriation would have permitted the Secretary of the Interior to have used any portion or all of the appropriation where the interests of the public service would be best subserved.

"The term 'public lands,' as used in the appropriation, is very general and would allow a very great latitude in making surveys and resurveys; but I respectfully submit that it must be held to refer to the survey of public lands not otherwise provided for.

"Entertaining these views, I am of the opinion that no part of the appropriation of \$375,000 can be used for the survey of the public lands lying within the limits of the land grants made by Congress to aid in the construction of railroads, the survey of which is otherwise specifically provided for in said act itself."

In view of the foregoing construction of the law by the First Comptroller of the Treasury, contracts payable from the appropriation of \$375,000 "for surveys and resurveys of public lands" must of necessity be confined to lands lying without the limits of the land grants made by Congress to aid in the construction of railroads, and in applying the sum of \$, apportioned to your district out of said appropriation, you are required to take due care that the contracts shall not cover lands falling *within* the limits of such railroad land grants.

The following paragraphs were embraced only in instructions to the surveyors-general of the States of Colorado, Nevada, and Wyoming, and the Territories of New Mexico, Arizona, and Utah:

Your attention is specially directed to the provisions of the sixteenth section of the act of March 3, 1891, entitled "An act to establish a court of private land claims, and to provide for the settlement of private land claims in certain States and Territories;" and you will hereafter be careful to instruct your deputies in making the surveys of townships embraced in their respective contracts to give particular attention to the presentation and proofs pertaining to claims arising from continuous adverse possession, etc., for twenty years, as well as to the recognition and establishment of the lines of survey of such claims, not exceeding, singly or in the aggregate, 160 acres to any one person.

You will also be careful to instruct the deputy to return with his survey the name or names of all persons found to be in possession of claims as above described, with a proper description of the tract in the possession of such persons, as shown by the survey and the proofs furnished of such possession, etc.

As no provision is made in the act for separate and distinct payment for such character of work, it will be paid at the rate prescribed by law for running and establishing subdivisional lines of the public surveys.

You will also in your returns of surveys to this office transmit the field notes of all such possessory claims; and you will cause the claims to be accurately delineated on the township plats with the boundaries and areas of the tracts given as separate legal subdivisions.

The following paragraph will be included in the annual instructions to the surveyor-general of Arizona.

You will be advised in another communication in regard to the application of the sum of \$5,000, authorized by the sundry civil appropriation act to be expended in the survey of the coal lands in the White Mountain or San Carlos Indian Reservation.

ADDITIONAL INSTRUCTIONS.

The following additional instructions relating to the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., and provided for in the appropriation act of August 5, 1892, were sent to those surveyors-general whose districts embraced lands of said character:

In the annual instructions to your office bearing date September 12, 1892, you were informed of the appropriation, per act of August 5, 1892, of the sum of \$125,000 "for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, and the selection therein of such lands as are granted therefor, etc.," and that you would be duly advised of the amount to be apportioned to ——— for land-grant surveys and the method of its application.

By the apportionment of said appropriation, made by this office and approved by the Acting Secretary of the Interior, the sum of was ——— assigned to your surveying district.

In the said appropriation for surveys within railroad grants the rates per mile to be allowed for such surveys are not specified, but the rates named in the appropriation (per same act) of \$375,000 "for surveys and resurveys of public lands" are regarded as indicating the rates to be applied to all public land surveys for the current fiscal year, and contracts for the survey of railroad grant lands must not exceed those rates.

The restrictions under the appropriation "for surveys and resurveys of public lands" as to settlements and the limitation of surveys to lands adapted to agriculture do not, *as a rule*, apply to the survey of railroad grant lands, but the regulations as to *surveying rates* embraced in the annual instructions above referred to must be strictly observed—*i. e.*, while contracts at the minimum rates (\$9, \$7, and \$5) and at intermediate rates (\$13, \$11, and \$7) may be let without the formality of advertising for proposals, you will be governed by the requirements of circular letter "E," dated December 23, 1891, in all cases where the lands are of such a character as to require for the survey thereof a compensation exceeding the intermediate rates of \$13 per mile for standard and meander lines, \$11 for township, and \$7 for section lines.

As said appropriation of \$125,000 is made for the purpose of enabling the Secretary of the Interior to carry out the provisions of law for the adjustment of the railroad land grants, the same is deemed applicable as well to the survey of lands within the *indemnity limits* as within the primary limits, the survey of the lands within the indemnity limits being necessary for the final adjustment of the several grants.

In selecting the lands to be surveyed under the present apportionment, while giving due weight to the desires of the several railroad companies as to the location of the surveys, the interests of the Government in the reserved lands and of the settlers thereon should receive consideration, and although the clause of the sundry civil act making this appropriation does not so specify, I am of the opinion that in the letting of contracts townships embracing settlements should have preference.

All contracts awarded under the appropriation of \$125,000 for the survey of public lands lying within the limits of railroad land grants, and the special instructions accompanying said contracts must provide for the survey of all the unsurveyed lands in each and every township embraced in the contracts unless natural obstacles render the completion of the surveys *absolutely impossible*.

TRANSACTION IN THE SURVEYING DISTRICTS.

ARIZONA.

Of the annual appropriations, per act of August 5, 1892, for public surveys for the fiscal year, the following apportionments were made to this district, viz: For the survey of public lands outside of railroad land-grant limits, \$10,000; for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., \$20,000. Four contracts for the survey of public lands outside of railroad land-grant limits were awarded, aggregating \$9,750. Four contracts were also awarded for the survey of railroad land-grant lands to the full extent of the apportionment of \$20,000. These eight contracts provide for the survey of sixty-eight townships.

One contract, payable from special deposits, for the survey of the subdivisional lines of fractional township 12 north, range 26 east, was also awarded and approved; liability, \$200.

In addition to the contracts for public-land surveys, a contract was awarded for surveys in the abandoned military reservation of Camp Verde; liability, \$400.

Special instructions were also issued for additional allotment surveys in the Moqui Indian Reservation, under the immediate supervision of the allotment agent; expense of surveys payable from the Indian appropriation.

In his annual report for the fiscal year ended June 30, 1893, the surveyor-general makes the following statement and recommendation relative to the land grant to the Atlantic and Pacific Railroad Company and the survey of the same; also regarding the survey of the abandoned military reservation of Fort Lowell and the exterior boundaries of Indian reservations. As the appropriation for the survey of the San Carlos coal fields, per act of August 5, 1892, was not made available by the Department, the surveyor-general recommends that the survey be executed. A new and specific appropriation for the execution of the work will, however, be necessary, as the apportionment of \$5,000 made by Congress in the act of August 5, 1892, is not now available.

Railroad land grants.—Under the act of Congress approved July 27, 1866, the Atlantic and Pacific Railroad Company are entitled to 7,800,000 acres of land in this Territory. They have selected some 3,000,000 acres where the lines of public surveys have been extended, leaving more than one-half to be yet designated. The survey of all these lands should be made without delay. The revenues of the Territory would be increased not less than \$100,000 per annum from the taxes paid, the school and university lands could be segregated, and settlers permitted to complete their titles.

Abandoned military reservations.—The public surveys should be extended over Fort Lowell Military Reservation. This reservation was abandoned and transferred to the Interior Department by Executive order February 24, 1891. The entire reserve covered 49,920 acres, 37,000 acres having been surveyed; leaving unsurveyed about

13,000 acres, embraced in township 14 south, ranges 15 and 16 east, and which contains some of the finest agricultural land in Pima County. All these lands are susceptible of easy irrigation from Rillito Creek, which flows through the entire tract.

Indian reservations.—It is highly important that the exterior boundaries of all the Indian reservations in this Territory be surveyed. There are disputes as to the lines, and surveys alone can settle them.

San Carlos coal fields.—An appropriation of \$5,000 was made during the last session of Congress for the survey of these lands, but for some reason the amount was not made available. I earnestly recommend this work being done. The segregation of these fields from the Indian reservation is a matter in which the people of this Territory are greatly interested.

Public lands.—Settlers are daily petitioning this office for surveys. Estimates previously submitted for the amounts necessary to extend the lines of the public surveys over the lands that are being settled will, if allowed, enable this office to partially meet these demands. The cost to the settler in obtaining title to Government lands in this Territory is greater than any other portion of the United States; and while the beneficial results of his labor and expenditures are correspondingly large, it is respectfully submitted that the Government should not by failure to complete its work, render the completion of titles impossible.

CALIFORNIA.

The sum of \$10,000 was apportioned to this district for public surveys outside of railroad limits for the fiscal year ending June 30, 1893. Of the appropriation for public surveys within the limits of grants made to railroads, the sum of \$10,000 was apportioned.

Under the first-named apportionment ten contracts and seven sets of special instructions in lieu of contracts were awarded and issued; aggregate liability, \$7,432.23.

Four contracts and one set of special instructions were awarded and issued for the survey of railroad lands; liability, \$18,458.70, payable from repayments made by the Central Pacific and Southern Pacific Railroad companies.

One contract was awarded for surveys within the diminished Round Valley Indian Reservation; liability, \$3,607.50, payable from the Indian appropriation. Special instructions were also issued to E. L. Dorn for surveys for allotments within the Mission Indian reservations, under the direction of the special allotment agent.

No contracts were awarded for public surveys within the limits of land grants made to railroads.

In his annual report, the surveyor-general calls attention to the necessity of the restoration by the Government of the evidences of former public surveys which have been lost or obliterated through stated causes, and cites a pending case in township 9 south, range 2 east, M. D. M.:

I beg to call your attention to a matter which, from small beginnings, is rapidly growing to a degree of importance that threatens an entire departure from the usages and laws governing the survey of public lands. I allude to the resurvey or restoration by the Government of surveys made and accepted many years ago, wherein the right, title, and interest of the United States to lands so surveyed have passed into private ownership.

It is an undisputed fact that no monuments or other evidences of corners of many of the older surveys are to be found; also, that in many instances corners are now found which show the surveys to have been incorrectly made, and the matter is further complicated by a doubt as to whether such corners were so placed by the deputy surveyor or by parties in interest. This state of affairs is due partly to the lapse of time, the action of the elements, imperfect or inaccurate work, and to a systematic destruction of corner monuments, by which interested parties are enabled to control illegally larger areas of land.

As the grazing and agricultural lands in this State are rapidly increasing in value, and large holdings are being subdivided to accommodate an increasing population, the importance of accurate and authentic boundary lines increases in proportion. Were the title to the lands still in the Government, a proper settlement of the difficulty would encounter no intricacies, but the right, title, and interest to these lands having been parted with by the Government, legal questions at once arise in any attempt to adjust the difficulties. The General Land Office having performed the office of surveying the lands and disposing of the Government's title to the same, the assumption is that this Department has no further jurisdiction, and that all disputes relative to boundaries and titles must be settled in a court of competent jurisdiction. This view has been generally entertained by the General Land Office, and regulations based upon such a construction framed in a circular entitled "Restoration of Lost and Obliterated Corners." During the past year a departure has been made by the General Land Office with reference to certain cases in this State, and from this precedent, I fear, will follow demands for surveys correcting or restoring old surveys that will not cease until almost the entire State shall have been resurveyed, and will impose upon the surveying service, in addition to its proper work, duties of of quasi-judicial nature. As an illustration, I will take the last case now pending, of township 9 south, range 2 east, S. B. M., the survey of which is purported to have been made by H. S. Washburn, deputy surveyor, in 1857, and accepted and approved the same year. Owing to the disappearance of the original corners, charged by the settlers to various causes, the proper boundaries of the patented lands is a matter of bitter disputes and expensive litigation. Now, after a lapse of thirty-six years, the settlers ask for a restoration of the corners of the old Washburn survey, involving almost the entire township. To deny this assistance to the settlers is to work them a hardship, while to accede to their petition is to establish a precedent, which will reopen the survey of almost every township in this district, and eventually involving the office with suits brought in the various courts. I might refer to other cases that have arisen during the year of a more serious character, but as this one is now pending I refer to it, and respectfully ask that it be considered, with a view of outlining a careful policy for the future. To adjust new surveys to incorrect or imperfect former surveys is somewhat of a task, but to correct and restore surveys of years' standing and to adjust them to existing vested rights is a serious matter, and one that, in my opinion, can not be undertaken by this department.

In the matter of surveys within Indian reservations, which were authorized during the fiscal year, the surveyor-general, in his annual report, makes the following statement, viz:

During the past year two extensive Indian reservations have received the attention of this office, that of the Round Valley in the northern part of the State and of the Mission Indian reservations in various parts of the southern part of the State.

By letter E, dated March 29, 1892, the survey of the first-named reservation was placed under the direction of this office. Since that time the exterior lines of the diminished Round Valley Indian Reservation and the relinquished part thereof have been run, the relinquished part embracing 66,110 acres, divided into tracts of 640 acres each for appraisalment and sale by the Government, and the Diminished Reserva-

tion, including Camp Wright, embracing 43,615 acres, has been subdivided and surveyed into 10-acre lots for the purpose of allotment to the Indians.

The several surveys were examined in the field by a special examiner detailed by this office. The surveys are reported to have been properly executed, and the exterior boundaries most permanently marked by iron monuments established as suggested by this office. In all, 600 miles were surveyed, 80 miles of which are now being platted, subdividing 109,726 acres. The office work in connection with these surveys was very great. Four original maps had to be constructed and six copies each made, besides a tracing for the use of the commission appointed to appraise the relinquished part. The maps are very large, and the work complicated. In a little over a year this office is enabled to turn over the survey of this reservation of 109,726 acres to the Indian Department for the disposal of its lands.

Work on the Mission Indian reservations has not progressed so satisfactorily nor so rapidly. In the winter of 1891 and 1892 the survey of these reservations was begun under the direction of the Indian Department through its special attorney and allotting agent. At the request of that department the work was transferred in part to this office. The surveyor selected by the Indian commission to make the surveys is now believed to be in the field engaged upon his work, but at the present time no returns of his surveys have been received, and I am therefore unable to report any progress of the work.

COLORADO.

The sum of \$15,000, out of the appropriation for the survey of the public lands for the fiscal year, was apportioned to this district. Two contracts were awarded and seven sets of special instructions were issued under said apportionment. Liability, \$2,103.

One of the sets of said special instructions provided for the survey of the north and east boundaries of the Louis Maria Baca Grant No. 4. Liability, \$225.

In his annual report the surveyor-general states that during the fiscal year 1892-'93 twenty-seven full and fractional townships were subdivided, and surveys by metes and bounds were made in one township. Said surveys aggregated 1,172 miles, 25 chains, and 59 links.

The surveyor-general also calls attention to the unprecedented number of surveys which were made during the year in the mineral division of his office, which resulted largely through discoveries in the new mining camps of Crede, Cripple Creek, Copper Rocks, and Pitkin.

FLORIDA.

No formal apportionment of the annual appropriation for public surveys for the fiscal year was made to this district. With the exception of a small island situate in Lake Weir, in township 17 south, range 23 east, no surveys were executed during the past year.

In his annual report for the fiscal year ending June 30, 1893, the surveyor-general makes the following reference to the mineral (phosphate) lands in that State, viz:

The increasing attention which is being paid to the mineral lands of this State, especially with reference to phosphate lands, and the increasing value of desirable lands in the southern portion of the State, for agricultural and horticultural pur-

poses, would seem to indicate the desirability in the near future of completing the surveys of this State.

The phosphate industry of the State is increasing very rapidly and is assuming large proportions, no less than one hundred companies having filed articles of incorporation with the secretary of state. These one hundred companies represent a capital of about forty-five and three-quarter millions of dollars.

The export of phosphate, for the year 1891, was 175,212 tons, and its export valuation was \$1,752,120; and for the year 1892 the corresponding figures were 284,871 tons and \$2,848,710, showing an increase in exportation in one year of over 109,000 tons. The amount of phosphate actually mined during each year was nearly double the figures just given, but having been utilized in this and adjoining States was not included in these estimates.

IDAHO.

Under the appropriations for public surveys for the fiscal year, the following apportionments were made to this district, viz: For the survey of public lands situate outside of railroad land-grant limits, \$30,000; for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., \$10,000.

Twelve contracts were awarded and approved, the liabilities of which covered the two apportionments as stated.

An additional apportionment of \$100 was made to cover the expense of surveying an island in Snake River, in township 3 south, range 43 east, an application for which survey was made by the State authorities.

In his annual report, which will be found in its proper place, the surveyor-general describes the surveys under contracts previously awarded which have been returned to his office during the year. He also describes the surveys provided for in the twelve contracts which were awarded during the fiscal year.

The number of orders issued for mineral surveys was fifty-one, and fifty-eight mining surveys (comprising 290 plats) were examined, platted, and the field notes transcribed. Deposits by individuals for office work of mineral surveys, \$1,865, which was \$1,500 less than was deposited during the previous year.

The surveyor-general further states that owing to the present financial depression a considerable decrease of mineral patent applications is anticipated during the coming fiscal year.

LOUISIANA.

No surveys or resurveys were executed in this district during the fiscal year.

By special instructions dated September 16, 1892, issued to him, Charles H. Dickinson was authorized to make an examination in the field of the boundary line between townships 9 and 10 south, range 3 west and the range line between township 9 south, ranges 3 and 4 west, and other lines in said townships, situate in the southwestern district. The expense of making said examinations was \$733.90, chargeable to the apportionment by Congress of \$75,000 for examinations of surveys

out of the appropriation for public surveys and resurveys for the fiscal year ended June 30, 1893. Said examinations were ordered to ascertain the correctness of sundry allegations made affecting the original official surveys in said townships.

MINNESOTA.

The sum of \$10,000 was apportioned to this district for public surveys, payable from the appropriation for the fiscal year 1892-'93.

Under said apportionment eight contracts and two sets of special instructions in lieu of contracts were awarded, issued, and approved. Aggregate liability, \$9,933.

Three contracts were awarded and approved, providing for additional surveys within the Red Lake Indian Reservation. Aggregate liability \$3,650, payable from the appropriation per act of July 3, 1892, for the survey of the Chippewa Indian reservations in Minnesota.

In his annual report the surveyor-general states that the plats and field notes of surveys in eighty-six townships were completed during the year. The field notes of twenty-two townships have been returned, but not fully examined, and surveys in twenty-two other townships have been reported as completed in the field, but not returned to his office.

The number of miles run and marked, as per field notes examined, were 5,557, 29 chains, 31 links.

Number of acres surveyed during the year, 1,571,728.72, which added to the amount previously reported (44,051,519.08), makes a total area surveyed in the State to date, 45,623,247.80 acres.

The surveys under all awarded and approved contracts (except Nos. 36 and 37) are reported as completed in the field, and the deputies are now at work under the two contracts named.

The surveyor-general further states that the great reduction in the amount appropriated by Congress for salaries of clerks in his office for the fiscal year ending June 30, 1894, will greatly embarrass him in the preparation of the plats and field notes of the twenty-two townships which have been returned under completed contracts.

MONTANA.

Of the annual appropriation for public surveys an original apportionment of \$35,000 was made to Montana; also an apportionment of \$15,000 of the appropriation for the survey of public lands within railroad grant limits. In addition to the original amounts, additional apportionments were made of \$5,000 of the appropriation for surveys outside of railroad land grant limits, and of \$4,000 for surveys within said limits; making aggregate apportionments amounting to \$59,000.

Under said apportionments eleven contracts and one set of special instructions (aggregate liability, \$59,650) were awarded by the surveyor-

general. Three of said contracts (aggregate liability, \$18,150) had not been approved at the close of the fiscal year.

One contract (No. 281) was awarded to George Scheetz, deputy surveyor, for the survey of part of the western boundary of the Flathead Indian Reservation; liability, \$1,700, payable from the Indian appropriation.

Contract No. 285, awarded to Angus McGillvray and Albert B. Knight, deputy surveyor, liability, \$18,000, provides for the survey of fifty full and fractional townships situate east of the Blackfeet Indian Reservation and south of the international boundary line in the vicinity of the "Sweet Grass Hills or Three Buttes." The survey of 27 of said townships was applied for by the State board of land commissioners, and said board has agreed to select 150,000 acres, or more if practicable, of the lands therein, to apply on the several grants made to the State under the enabling act of February 22, 1889.

The survey of 7 townships of timber lands situate on both sides of the North Fork of the Flathead River, and immediately south of the international boundary line, has also been applied for by the State board of land commissioners, for the purpose of making selections therein. Said townships are embraced in contract No. 291, dated June 26, 1893, awarded to James S. Keerl and Charles S. Hobbs, deputy surveyor; liability, \$11,000; which contract was not received until after the expiration of the fiscal year.

NEVADA.

Of the appropriation for public surveys and resurveys for the fiscal year ending June 30, 1893, the sum of \$5,000 was apportioned to this district. The sum of \$5,000 was also apportioned from the appropriation, per act of August 5, 1892, for the survey of the public lands lying within the limits of the land grants made by Congress to aid in the construction of railroads, etc. Under the appropriation for public surveys, outside of railroad land-grant limits, two contracts were awarded; aggregate liability, \$5,000.

Two contracts (aggregate liability, \$5,000) were awarded for the survey of public lands situate inside of railroad land grant limits.

There were no deposits by individuals for the survey of public lands during the year.

The Central Pacific Railroad made no deposits on lists of selections during the year.

The surveyor-general, in his annual report, states:

While the apportionment for the survey of public lands within this State for the past fiscal year has been more liberal than for several years past, it is still too small to meet the call of settlers who are asking for surveys. There is a constant call for surveys, and I would respectfully ask for a liberal apportionment for the present fiscal year.

About one-half of the public lands in the State remain unsurveyed. As I have repeatedly urged, the lands yet unsurveyed are among the best in the State. The

settlers on these unsurveyed lands have been calling for surveys for several years. The failure to survey their lands, so that they may perfect their titles entails upon them a great hardship.

NEW MEXICO.

Of the annual appropriation for public surveys and resurveys for the fiscal year the sum of \$15,000 was apportioned to New Mexico. Of the appropriation for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., per act of August 5, 1892, two apportionments were made (\$5,000 September 16, 1892, and \$3,000 January 9, 1893), making a total of \$8,000.

Under the apportionment of \$15,000 the surveyor-general awarded contract No. 276, dated June 8, 1893, to Leonard M. Brown, deputy surveyor, providing for the extension of the public surveys over the residue of the lands embraced in the Las Vegas grant, under the decision of the Secretary of the Interior, rendered December 5, 1891 (13 L. D., 646). Said contract has not yet been approved, but will be submitted to the Secretary of the Interior for his directions in the matter, in view of departmental decision of December 5, 1891. With his letter of June 2, 1893, the surveyor-general transmitted to this office the plats and field notes of the resurveys made by R. B. Rice, United States deputy surveyor, of the "true Las Vegas grant," as authorized and executed under instructions issued by the late surveyor-general (G. W. Julian).

In response to the request of this office, per letter "E" of June 29, 1893, the surveyor-general submitted a detailed report of the reasons why he awarded contract No. 276, for surveys within the original boundaries of the Las Vegas grant, in the absence of specific directions from this office.

Under the apportionment of \$8,000 for surveys within railroad land grant limits two contracts were awarded to the full amount thereof.

One contract was awarded and approved for surveys for allotments in Nogel Canon, within the Mescalero Indian Reservation; liability, \$800, payable from the Indian appropriation for new allotments, act of February 8, 1887.

Special instructions were issued to L. M. Brown, deputy surveyor, for examinations and retracements in townships 2 south, ranges 3 and 4 west; 3 south, range 3 west, and 3 south, range 4 west (Magdalena mining district), for the purpose of showing existing mineral surveys. The cost of said examinations is estimated at \$900, chargeable to the fund for examinations of surveys in the field under the annual appropriation for public surveys.

The surveyor-general, in his annual report, states that the work of his office is "up to date," all returns of surveys as received having been platted and field notes transcribed, except under one contract for public surveys and one contract for Indian surveys not completed at the close of the fiscal year.

The following extracts from the surveyor-general's annual report relative to "mining" and "small holdings" are appended:

Mining.—From July 1, 1892, to June 30, 1893, there has been deposited on account of the survey of mining claims \$1,335. During the same time applications were made for surveys aggregating 81 mineral locations. During the past year I have made a great effort to inform your office fully as to the lots made fractional by mining surveys. Each one of the nearly one thousand surveys recorded in this office was first, if possible, located in its proper section and township. Each one of the more important townships was then taken up and a diagram made showing all the mineral surveys therein and the area of the portions of the 40-acre lots left by such surveys. Tracings were then made of these diagrams and one copy sent to you and one copy to the local land office. Thirty-four townships have been thus platted, containing 354 mineral surveys. The Magdalena mining district is now being resurveyed, so that the position of all mining claims may be accurately determined, and when the work is finished you will have a complete record of the areas of mining claims and of the lots made fractional thereby in all the more important mining districts.

Small holdings.—Nearly 2,000 claims for tracts of land of less than 160 acres each have been filed in this office, and they are still rapidly coming in. I respectfully urge that the beneficent provisions of the law in regard to these claims, as amended the past winter in accordance with suggestions made by me and submitted to the Secretary in a letter from your office of January 26, 1892, be carried out as rapidly as possible by surveying these lands and patenting them to their owners. Then assurance that they will be protected in their rights will for the first time come to this people, and those desiring to come among us to reside will be enabled to purchase desirable lands and know that they are getting good titles to that which they buy.

NORTH DAKOTA.

Of the appropriation for the survey of the public lands outside of railroad land-grant limits, for the fiscal year 1892-'93, an apportionment of \$20,000 was made to North Dakota. Under said apportionment seven contracts were awarded and approved, involving an aggregate liability of \$20,000. Special instructions were also issued providing for fractional surveys in township 151 north, range 66 west, south of Devil's Lake; liability, \$35, payable from the annual appropriation.

Under an apportionment of \$5,000 from the appropriation for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., per act of August 5, 1892, one contract (liability, \$5,000) was awarded and approved.

One contract was awarded and approved providing for surveys for allotments within that portion of the Standing Rock Indian Reservation situate in North Dakota; liability \$7,000, payable from the appropriation for surveying and allotting Indian reservations, 1893.

The survey of Fort Abraham Lincoln was also provided for in one contract; liability, \$476, payable from the appropriation for the survey of abandoned military reservations for the fiscal year.

The surveyor-general in his annual report states:

No contracts have been entered into on account of special deposits by individuals for the survey of public lands.

The subdivision of a large number of townships is and will be called for in the northwestern part of the State, for the reason that the Minneapolis, St. Paul and Sault Ste. Marie Railway has been built diagonally across the State from the southeast to the northwest, which has rendered a large section of country along the Mouse and Des Lacs rivers much more accessible, and settlement is rapidly moving in that direction.

During the year there were prepared in the surveyor-general's office 377 plats of new surveys, 20 diagrams of standard and exterior lines, 131 transcripts of field notes, and 123 descriptive lists for local land offices.

OREGON.

The following apportionments for public surveys were made to the district of Oregon, viz: \$20,000 for public surveys *outside* of railroad land grant limits; \$15,471 for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc.

Under the apportionment of \$20,000, fourteen contracts and one set of special instructions were awarded and issued; aggregate liability of surveys contracted for, \$19,789.

Seven contracts were awarded for surveys within the limits of land grants; aggregate liability to the full extent of apportionment of \$15,471.

One contract was awarded for the survey of allotments within the Klamath Indian Reservation; liability, \$6,000, payable from the appropriation for new allotments under act of February 8, 1887.

Repayments, under approved selections of lands, were made by the Oregon and California Railroad Company as follows: For field work, \$2,850.69; for office work, \$284.86.

In his annual report the surveyor-general states that the number of miles surveyed and reported to this office since his last report is as follows: 2,935 miles, 47 chains, 37 links, which surveys embraced 901,266.72 acres of public land.

Amount deposited for office work in connection with the survey of mining claims, \$607. Number of mining claims surveyed and reported, 17.

SOUTH DAKOTA.

Under the apportionment of \$25,000 made to South Dakota from the annual appropriation for public surveys for the fiscal year ending June 30, 1893, four contracts were awarded to the full amount of the apportionment, and the same were duly approved.

In addition to the contracts for the public surveys, six contracts were awarded and approved for surveys within Indian reservations; aggregate liability, \$17,850, payable from Indian appropriations. Said surveys were for allotments within the following Indian reservations,

viz: Rosebud, \$6,500; Lower Brule, \$3,800; Standing Rock (in South Dakota), \$5,300; and Pine Ridge, \$2,250.

In his annual report the surveyor-general invites the attention of this office and of Congress to the following recommendations regarding mineral surveys, particularly as to examinations in the field and the connection of mineral monuments with each other and with the public surveys, viz:

1. *Field examination of surveys.*—As the field notes of mineral surveys furnish descriptions for patents their accuracy should be well assured. The competition among deputy mineral surveyors, the so-called errors of prior surveys reported, the discrepancies between recent deputies—each and all of these call for a scrutiny far more searching than a mere critical examination of field notes can afford. In addition may be mentioned the increase of office work and increased difficulty of maintaining proper official control of the conduct of deputies when inspection is omitted. In fact, whatever argument exists for inspection of agricultural surveys in which comparatively liberal limits for closing are allowed, the same argument applies with added force to inspection of mineral surveys in which "closed" surveys only are accepted. The matter is worthy of argument longer than the limit of this report permits, and it should have prompt and sufficient attention.

2. *Connection of locating monuments with each other and with public surveys.*—As the larger portion of mineral surveys are connected to these locating monuments, it is essential that the latter be connected with each other when practicable, to avoid overlapping surveys of mining claims and other irregularities which otherwise are liable to result. In several former years Congress saw fit to make special appropriation to this end; the custom is worthy of revival unless provision in other ways is thought preferable. In this connection I would respectfully mention the advantage to the mineral service of an extension of the regular township exteriors over all that portion of the Black Hills region not already covered thereby. Apart from the need of these exteriors to embrace and facilitate subdivisinal surveys desired by actual settlers, there will be the manifest advantage of a number of public survey corners to which future and existing mineral surveys and locating monuments can be connected, thus attaining a connected system. There will be the added advantage of a reduction in the number of necessary mineral monuments which, in respect of their isolation, are objectionable.

UTAH.

Two apportionments of the appropriations for public surveys and resurveys for the fiscal year 1892-'93, were made to Utah, namely: Five thousand dollars for surveys outside of railroad land-grant limits, and \$5,000 for the survey of the public lands lying within the limits of land grants, under the provisions of the act of August 5, 1892.

Under the first apportionment three contracts were awarded; aggregate liability, \$4,950.

Two contracts were awarded for surveys within railroad land-grant limits; liability, \$5,000.

Three contracts, providing for public surveys of lands granted to the respective roads, payable from repayments made by the Central Pacific and Union Pacific Railroad companies (aggregate liability, \$6,683.41), were also awarded during the fiscal year.

In his annual report the surveyor-general gives the following statement as to returns of surveys, viz:

Number of acres surveyed and returned during the year, 288,092.99 acres, embraced in 29 townships. Total number of acres surveyed in Utah up to June 30, 1893, 13,325,878.65 acres. Number of miles of approved surveys during the fiscal year, 1,272, 33 chains, 33 links.

WASHINGTON.

For the survey of public lands situate *outside* of railroad land-grant limits, under the appropriation for public surveys and resurveys for the fiscal year, the sum of \$45,000 was apportioned to the district of Washington.

Of the appropriation of \$125,000, per act of August 5, 1892, for the survey of the public lands lying within the limits of land grants made by Congress to aid in the construction of railroads, etc., the sum of \$19,000 was also apportioned to this district.

The following contracts for surveys for allotments within Indian reservations were awarded and approved during the fiscal year, viz: Three contracts and one set of special instructions for allotment surveys within the Yakima Indian Reservation; aggregate liability, \$9,640, payable from the appropriation for new allotments, act of February 8, 1887, reimbursable. One contract providing for the survey of the Wenatshapen fishery; liability, \$540, payable from the appropriation for the survey of Indian reservations, 1893.

Three contracts providing for the survey of the standard and exterior township lines of the ceded lands within the Colville Indian Reservation were also awarded and approved; liability, \$11,000, payable from the appropriation of \$35,000, per act of July 1, 1892, for the survey of the ceded lands within said reservation.

One contract for the survey of Long Island was also awarded and approved; liability, \$265, chargeable to the appropriation for surveys within railroad land-grant limits.

Two sets of special instructions (in lieu of contracts) for fragmentary surveys, were issued and approved; liability, \$125, chargeable to the appropriation for public surveys outside of land-grant limits.

With his letters of January 25, 1893, the surveyor-general transmitted to this office applications, petitions, and affidavits for the survey of 54 full and fractional townships. Of said townships, 39 are situate outside of railroad grant limits and 19 inside of said limits.

All of the papers relating to said surveys were submitted to the Department with office letters E of February 7 and 9, 1893, and authority requested to instruct the surveyor-general to award contracts to competing surveyors for the stated surveys at the special maximum rates of mileage (\$25, \$23, \$20).

By letter of May 4, 1893, the Secretary of the Interior requested this office to report as to the expediency of allowing the stated special

maximum rates of mileage for the desired surveys in Washington, and inquired whether or not a combination or pool had been formed by the surveyors in said district to secure said rates. He also suggested that a trusty special agent be detailed to make an investigation regarding the existence of said pool, and as to the character of the alleged improvements made on the lands by the applicants for survey.

In letter E of May 12, 1893, this office submitted to the Department a detailed report on the matter of the pending applications for surveys in Washington, and recommended, pending the receipt of the report of a special agent to be detailed for the suggested inquiry, that this office be authorized to instruct the surveyor-general to award the contracts for the survey of the 54 townships, the approval of the same by this office to be contingent on the special agent's report.

Under date of May 13, 1893, the Secretary of the Interior notified this office of his approval of the views and recommendations stated in office letter E of May 12, 1893, and authorized action in accordance therewith.

By telegram of May 16, 1893, and office letter E of May 17, 1893, the surveyor-general was instructed to award contracts for the survey of the 54 townships as recommended in his letters of January 25, 1893, the approval of said contracts to be subject to the favorable report of the special agent who had been detailed to make the required examination.

On June 19, 1893, this office was notified by the Secretary of the Interior that a satisfactory report relative to the bona fides of the pending applications for surveys in Washington had been received from the special agent, and this office was accordingly directed to take such action as was necessary to complete the award of contracts for the surveys as applied for.

In response to a telegram from this office, the surveyor-general, under date of June 19, 1893, stated that the contracts to the full amount of apportionments had been prepared and forwarded to the respective deputies for execution of the bonds, and that the contracts, bonds, and special instructions would be forwarded to this office as soon as the bonds and instructions had been executed and prepared.

In his annual report the surveyor-general states that surveying contracts have been let during the year aggregating \$19,000 chargeable to the appropriation for surveys within the limits of railroad grants, \$44,985 chargeable to the regular appropriation for surveying public lands, and for Indian surveys \$21,180, a total of \$85,165.

The total number of miles of standard, township, section, and meander lines surveyed during the year was 1,950 miles, 48 chains, and 30 links.

The amount deposited for office work in connection with mining claims was \$3,460, and the number of mineral claims surveyed during the year, 94.

No deposits were made during the year by individuals for the survey of public lands.

WYOMING.

To the original apportionment to this district of \$35,000, of the appropriation for public surveys for the fiscal year 1892-1893, an additional apportionment of \$6,000 was made January 17, 1893, thus making a total apportionment of \$41,000. Under said apportionment 7 contracts were awarded and approved; total liability, \$40,650.

Of said contracts the field work under three (Nos. 248, 249, and 250, each in part, and No. 251) has been completed, and the field notes thereof have been examined, platted, transcribed, and approved.

The surveyor-general made personal examinations in the field under six contracts, the total liability of which amounted to \$49,700; cost of examination, \$3,079.75, covering 150 days.

Aggregate number of miles surveyed, under field notes returned during the year, 4,647 miles and 79.30 chains. Total area of land embraced in township surveys approved during the fiscal year, 1,354,959.59 acres.

ALASKA SURVEYS.

Pursuant to "An act to repeal timber-culture laws and for other purposes," approved March 3, 1891, this office formulated regulations for the purpose of carrying into effect certain provisions contained therein for allowing entries of land in Alaska for townsite, trading, and manufacturing purposes, which regulations were approved by the honorable the Acting Secretary of the Interior, June, 3, 1891.

These regulations were accordingly furnished to the United States marshal, *ex officio* surveyor-general for Alaska, for his guidance in directing and requiring the proper execution of Alaska surveys coming within the scope of the act.

Since their inauguration this office is in the receipt, by transmittal from the *ex officio* surveyor-general, of seventy-three returns of surveys, including those of two townsites. Of the seventy-three returns, seventeen, including the two townsites, have been approved and accepted by this office, and the *ex officio* surveyor-general duly notified of the facts.

Much delay in the examination of and final action by this office upon the Alaska surveys has resulted from a failure on the part of the *ex officio* surveyor-general to comply with the regulations and by his approval of the returns of the deputy surveyors, which were found upon examination in this office to contain irregularities and shortcomings, often of a serious character, frequently requiring the field notes and plats to be returned for emendation. This involved extended correspondence and consequent delay.

Carefully drawn instructions have from time time been sent to the *ex officio* surveyor-general, calling his attention to these irregularities and endeavoring to enlighten him upon the methods required by this office, and it is believed that the regulations and the practical workings

thereof are now better understood, and more satisfactory results may in the future be hoped for.

The United States marshal, *ex officio* surveyor-general of Alaska, in his annual report for the fiscal year ending June 30, 1893, states as follows:

The examinations of field notes, plats, and calculations returned by the mineral and nonmineral surveyors to this office involve a great deal of time and the closest inspection, as evinced by the foregoing report for the past fiscal year. Since the mineral fields of Alaska, especially the gold belt of the southeastern portion, are known to be extensive, and are becoming rapidly developed, the work in this office is becoming proportionately varied and extensive, and already demands at the hands of Congress the creation of the office of United States surveyor-general, separate from that of marshal. This is a matter of the utmost importance, not only to this office and the Department, but to the general public, whose interest in the prompt and systematic management of all the official business pertaining to the surveys of mineral claims, town sites, and locations, for purposes of trade and manufacture, is paramount. In this connection I would beg leave to urge the immediate creation of the office of United States surveyor-general for the district of Alaska, and the establishment of an office with a room fitted up with the necessary instruments and furniture for drafting purposes; the surveyor-general to be provided with at least one chief clerk capable of performing the duties of secretary and draftsman. A liberal estimate should be included in the bill to be presented in Congress for the proper establishment and maintenance of the office in order that the affairs of the Department in this district should be fully and satisfactorily administered, as well as to properly preserve and arrange statistics and compile general maps of the numerous surveys which have been already executed in the field and returned to this office.

I fully concur in the views of the *ex officio* surveyor-general as to the advisability of the creation of the office of the United States surveyor-general of Alaska, and respectfully recommend the enactment of a law to that effect and that provision be made for the compensation of the surveyor-general, for the necessary clerical service, and for the rent and contingent expenses of his office.

EXAMINATION OF SURVEYS IN THE FIELD.

By the act of Congress approved August 5, 1892, making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1893, there was appropriated for surveys and resurveys of public lands the sum of \$375,000. Of this amount there was made available the sum of \$75,000 for examinations in the field in order to test the accuracy of surveys executed by United States deputy surveyors and for the examination of surveys heretofore made and reported to be defective or fraudulent.

During the year there have been employed under this appropriation three, and a part of the time, four special agents for the examination of surveys, who were assigned to duty in the several surveying districts according to the exigencies of the service.

The number of special agents employed by the Department being insufficient to promptly inspect the very extensive surveys made under the large appropriations for the past fiscal year, and returned during

the fiscal year just ended, this office authorized the surveyors-general, in many cases, to appoint special examiners under the provisions of section 2223 of the Revised Statutes of the United States. The expenses attending the inspections of surveys by the special examiners were paid from assignments made to the surveyors-general out of the fund of \$75,000 made available by the act of August 5, 1892, above referred to.

During the fiscal year surveys executed under contracts were accepted, after examination in the field, either by special agents of this office or by special examiners, and subsequent critical examination of the returns in this office, in connection with the reports upon the field examinations, as follows:

| Surveying districts. | Contracts. | Surveying districts. | Contracts. |
|----------------------|------------|----------------------|------------|
| Arizona | 3 | New Mexico | 12 |
| California | 5 | North Dakota | 16 |
| Colorado | 12 | Oregon | 21 |
| Idaho | 6 | South Dakota | 10 |
| Louisiana | 1 | Utah | 3 |
| Minnesota | 19 | Washington | 15 |
| Montana | 10 | Wyoming | 5 |
| Nevada | *2 | | |

* Accepted in part, part suspended.

During the year, surveys executed under contracts let, or special instructions issued by surveyors-general, were accepted, without examination in the field, as follows:

| Surveying districts. | Contracts. | Special instructions. | Surveying districts. | Contracts. | Special instructions. |
|----------------------|------------|-----------------------|----------------------|------------|-----------------------|
| Arizona | 1 | | New Mexico | | 1 |
| California | 3 | 1 | North Dakota | | 2 |
| Colorado | | 5 | Oregon | 1 | 1 |
| Florida | 1 | 2 | Utah | 1 | |
| Idaho | 2 | 2 | Washington | | 6 |
| Louisiana | 1 | 1 | Wyoming | 1 | |
| Minnesota | 1 | | | | |

The surveys which were accepted without examination in the field involved liabilities so small that the expense of examinations in the field would have been disproportionate to the cost of survey, or the surveys were executed by deputy surveyors who were known to be competent and reliable, and whose work the surveyors-general recommended for acceptance without inspection in the field.

The surveys accepted and included in the lists given above embrace the exterior lines and subdivision of the abandoned military reservations of Fort McDermitt in Nevada, Fort Seldon and Fort Cummings in New Mexico, and Fort Sisseton in South Dakota; also the following surveys of Indian reservations, viz:

Exterior boundaries of the Diminished Round Valley Indian Reservation in California and subdivision of the relinquished portion of said reservation; the exterior and subdivisional lines of a number of town-

ships within the Nez Perce Indian Reservation in Idaho; 43 full and fractional townships within the Red Lake Indian Reservation in Minnesota; the east boundary of the Crow Indian Reservation in Montana; allotment surveys in two townships within the Jicarilla Indian Reservation in New Mexico; out boundaries of the diminished Fort Berthold Indian Reservation in North Dakota; the exterior and subdivisional lines of 15 townships within the Rosebud Indian Reservation, and the boundary line between the Rosebud and Pine Ridge Indian reservations in South Dakota.

REJECTED SURVEYS.

Upon examination in the field of the surveys executed under California contract No. 43, the special agent of this office who made the inspection reported said surveys incomplete and inaccurate in all respects, practically amounting to no survey at all. The examiner expressed the opinion that the deputy made use of the field notes of a former survey (examined in the field and rejected by this office several years since) and that he made no survey of his own, except, perhaps, a few lines in the open country. The examination covered all the lines reported upon by the examiner who inspected the previous (rejected) surveys, as well as some other lines, and it was found, in nearly every case, that the corners were still in the same condition as reported by the first examiner, and there was but little evidence of any work having been done since. The corners were not set in accordance with the requirements of the surveying manual; the measurements in many cases were erroneous, the corner posts were improperly marked in nearly every case, and the lines were not extended over the rougher parts of the country, but were apparently discontinued upon approaching them. A copy of the special agent's report was furnished the United States surveyor-general of California, who, upon examination of the same and comparison with the returns of the deputy, rejected the entire survey, and his action in the matter was approved by this office.

The surveys in Townships 30 and 31 south, range 16 east, Mount Diablo meridian, executed under California contract No. 249, were inspected by the same special agent who reported upon contract No. 43. These surveys were executed some years ago, but action thereon was suspended until last season, when an examination was ordered.

The examiner reported that after making a reasonable allowance for the destruction or obliteration to some extent of the corners, due to the lapse of time since the surveys were alleged to have been made, he found that the work had not been done in accordance with the Manual of Surveying Instructions. A considerably greater proportion of the lines were retraced than is usually required in field examinations; and the examination was extended into the rougher portions of the country covered by the alleged survey, as well as over those portions presenting fewer ob-

stacles to the progress of the surveyor. The corner posts and bearing trees were found improperly marked in many cases, the measurements and alignments were in error, and the surveys did not appear to have been extended over the rough lands, but to have been discontinued on coming to them. The examiner pronounced the surveys incomplete and inaccurate in every respect, and recommended that the same be rejected and a new survey ordered for the benefit of the many settlers upon the lands. Upon receiving a copy of the special agent's report the surveyor-general compared the same with the returns submitted by the deputy surveyor, and in consideration of the finding of the examiner the survey was rejected. The rejection was approved by this office and a new survey authorized.

Idaho surveying contract No. 118 provided for the survey of the east boundary of the Nez Percé Indian Reservation. According to the treaty with the Nez Percé tribe of Indians, dated June 9, 1863 (14 Stats., 647), the east line of the reservation runs from a point on the north fork of the Clearwater River 7 miles distant from its mouth; thence to a point on Oro Fino Creek 5 miles above its mouth; thence to a point on the north fork of the south fork of the Clearwater 5 miles above its mouth; thence to a point on the south fork of the Clearwater 1 mile above the bridge, on the road leading to Elk City. Upon examination in this office it was found that the deputy surveyor did not start his line from the established northeast corner of the reservation, 7 miles up the north fork of the Clearwater River; that he did not cross Oro Fino Creek 5 miles above its mouth by the stream as it flowed at the date of the treaty; that he did not establish at its proper place the eastern corner on the north fork of the south fork of the Clearwater, and that he failed to establish the southeast corner on the south fork of the Clearwater 1 mile above the bridge, as required by the treaty. The line not having been established in accordance with treaty requirements, the survey was rejected by this office.

Washington surveying contract No. 341.—Partial returns only of the surveys executed under this contract were received at this office. From a field examination it appeared that the deputy surveyor had executed his work in a careless and erroneous manner; but the report of the examiner being deficient in many respects, this office, in justice to the deputy, ordered a reëxamination of the work. The second examination corroborated the facts stated in the report upon the first examination, and while the findings did not recommend the deputy's interests for consideration in a favorable light, yet the interests of the settlers upon the lands were considered, and in order to enable this office to decide upon a method by which the irregularities of the surveys might be rectified to such an extent as to make them sufficiently correct for acceptance, the surveyor-general was instructed to call upon the deputy and the examiner for explanation relative to the discrepancies between the returns and the report upon the field examination. In response, the

examiner practically reiterated the statements made in his examination report, and the deputy claimed that he had executed the work in the field correctly according to the Manual of Surveying Instructions and his special instructions, as far as practicable; that he reported the work correctly in his field notes, and that a proper reëxamination in the field would establish the veracity of his assertions. Therefore, considering that the work had been twice examined in the field and that the findings of both reports corroborated each other, the surveys under said contract No. 341, so far as returned to this office, were rejected.

North Dakota contract No. 6 provided for the survey of Township 142 north, ranges 95, 96, 97 and 98, west of the fifth principal meridian. These surveys were examined in the field by a special agent of this office, who reported that, so far as his examination extended, the work of the deputy surveyor was not as well executed as might reasonably be expected; that in the 25 miles examined he found no perfectly straight lines, but that he found sufficient evidence to satisfy himself that the deputy did not intend to report the true falling on his random lines, nor to give the bearings of his true lines as they actually existed in the field; that marked stones were not deposited as stated in the field notes; that no posts were firmly set in the ground, and that in some cases the posts were not set at all; that the marks on the corner stones were quite indistinct and sometimes incorrect, while the pits were generally shallow and the mounds small. In view of the many discrepancies found in these surveys, the examiner recommended their rejection, and upon examination of the returns and comparison of the same with the examiner's report the surveys were rejected.

SUSPENDED SURVEYS.

The surveyor-general of Minnesota reported in November, 1891, that the surveys under contract No. 10 were very erroneous, and recommended that the deputies be directed to return to the field at their own expense and make such corrections as might be found necessary to render the surveys acceptable. The recommendation of the surveyor-general was approved, and the deputies proceeded to make the necessary corrections. Pending the required corrections action was suspended. The corrected survey was examined in the field, but the report of the examiner was not deemed conclusive and a further examination was ordered. The report upon the examination last ordered was not received at this office in time for action prior to the close of the fiscal year 1893.

The surveys under Minnesota contract No. 24 were, upon examination, found defective, and the deputy was directed to make a corrective survey. In April, 1893, the surveyor-general reported the corrected survey ready for examination, and he was authorized to have the examination made. The examiner's report was not received in time for action prior to June 30, 1893.

The surveys under North Dakota contract No. 13 were examined by an employé of this office detailed for the purpose; but the lateness of the season prevented as complete and careful an examination as was desired. In so far as the examination was possible, no discrepancies of sufficient importance were found to discredit the work of the deputies; but it was noted, however, that the dimensions of the corner stones given by the deputies, while agreeing with the size as given by the examiner, were nearly invariably shown to be not set in the ground to proper depth, although the mounds and pits were all up to the requirements of the Manual. The bearings of some of the true lines as given in the notes were incorrect. In five of the sixteen townships there were errors in the calculation of the azimuths, and the deputies state in their notes that they tested their solar compass on these (incorrect) meridians and found it to be in perfect adjustment therewith, whereupon the work of subdivision was proceeded with. Were this so, the closures on the north boundaries of townships, seldom over ten links in error, according to the deputies' notes, would be several chains. These errors were not of sufficient importance to cause a rejection of the work, but the notes in themselves seem to bear testimony of careless work, and a further field examination was deemed necessary. Another circumstance seemingly important is the extraordinary mileage made, an average of nearly 30 miles per day for the entire period, not counting the distance which must have been traversed in going to and from work, a total which must have frequently amounted to 40 miles per day. It is believed that it would be physically impossible to maintain such a rate of progress even for a short time, and that therefore the work has not been performed in the manner prescribed by the Manual, and as evidenced by the notes themselves, in which case errors or omissions may have occurred which would destroy all value of the work. Final action upon these surveys was suspended and a reëxamination in the field was ordered.

Contract No. 570, Oregon.—The surveys under this contract were examined in the field, and the surveyor-general, in transmitting the examiner's report, stated that a comparison of said report with the returns of the deputy did not show that degree of agreement which would justify him in approving the surveys without further investigation, and in view of the good reputation of the deputy he recommended a reëxamination. It appeared from the report of the special examiner that a number of very serious errors had been made by the deputy surveyor, both in measurement and alignment, and that the requirement of the Manual, as to the blazing of lines through timber, had not been fully complied with. The examiner stated that whenever he found the lines out of limits he retraced and remeasured such lines, in order to assure himself that the mistakes were not made by himself. Upon consideration of the examiner's report it was deemed best to direct the deputy to return to the field and carefully remeasure the lines reported

to be out of limits or otherwise defective, and to make such corrections as might be found necessary to render his entire survey conformable to contract and instructions, and to submit his report to the surveyor-general, with the affidavits of himself and assistants, and with the understanding that his work would be subject to a rigid reëxamination in the field should the same be deemed necessary after consideration of his report. The deputy proceeded to the field as required, and in May last the surveyor-general forwarded the returns of the surveys, accompanied by the deputy's report on his remeasurements of the lines reported to be erroneous, and after a careful consideration of the whole matter it was deemed advisable that a reëxamination should be made. A reëxamination was ordered, and, pending the receipt of the report thereon, action upon the surveys was suspended.

Contract No. 575, Oregon.—Upon examination of the surveys under this contract, quite a number of corners and bearing trees were found erroneously and incompletely marked, and many errors were made by the deputy in reporting the bearings and distances of bearing trees. The alignment and measurements were found very good.

The deputy was required to return to the field to redetermine all bearing trees and to see that they were properly marked. Pending the necessary corrections and a reëxamination of the work the surveys were suspended.

Oregon contract No. 586.—In transmitting the report upon the field examination of the surveys executed under this contract, the surveyor-general stated that from the character of said report he did not feel warranted in approving the surveys, and recommended that the deputy be directed to return to the field with instructions to place his surveys in acceptable condition. After an examination of the report of the special examiner this office approved the recommendation of the surveyor-general.

Washington contract No. 369.—A portion of the surveys under this contract was found properly executed and was duly accepted, but in the survey of fractional Township 41 north, range 5 east, adjoining the boundary between the United States and the British Possessions, it appeared that the deputy did not follow his special instructions. The said instructions required the deputy to establish permanent closing corners, along the boundary line, upon the *true parallel of latitude* and *not* on the *straight* line joining the boundary monuments, noting the course and distance from said closing corners to the nearest boundary monuments. The international boundary is supposed to have been established with the greatest possible accuracy upon the forty-ninth parallel of north latitude, but the deputy, in closing his work, established closing corner for the east boundary of the township and for sections 35 and 36 upon what he calls "the boundary line," but which appears to be an offset line cut through the forest, several chains south of the true parallel. The survey of fractional township 41 north, range

5 east, was suspended, and the surveyor-general was directed to allow the deputy thirty days in which to state whether or not he would repair to said township and make the reconnoissance necessary to prove the correctness of his work.

Washington contract No. 378.—The surveyor-general forwarded the returns of the surveys under this contract, accompanied by the report upon the field examination, and stated that, in view of the very careless manner in which the surveys had been executed, he could not approve the surveys, but recommended that the deputy be directed to reëxecute the surveys. It also appeared that the survey of one of the townships was not executed by the deputy in person. Upon examination of the return, and examiner's report, this office instructed the surveyor-general to advise the deputy that he would be allowed thirty days from receipt of notice to state whether or not he would make a resurvey. The deputy having stated that he would reëxecute the work, this office directed that he be allowed a reasonable time to carry out his intention, and to do the work in his own proper person.

South Dakota contract No. 77.—Acceptance of the surveys executed under this contract was suspended pending the return of the deputies to the field for the purpose of correcting defects pointed out by the examiner in the construction of pits and mounds. When corrected the work will be subject to a second examination.

In the Annual Report of this office for 1892, reference was made to the suspension of the surveys executed under Minnesota contract No. 22 and Washington contracts Nos. 351 and 357. These surveys have since been placed in satisfactory condition by the contracting deputies, and have been accepted by this office.

SURVEYS EXECUTED UNDER INSTRUCTIONS ISSUED BY OR CONTRACTS ENTERED INTO BY THE COMMISSIONER OF THE GENERAL LAND OFFICE.

OKLAHOMA.

The survey of eighteen full and four fractional townships in that part of the Territory of Oklahoma known as the "Public Land Strip," the returns of which were received during the fiscal year ending June 30, 1892, but not accepted during that year, on account of certain needed corrections, have since been accepted.

In July, 1891, a contract was made for the survey of townships 1, 2, 3, 4, 5, and fractional township 6 north, ranges 1, 2, and 3 east of the Cimarron Meridian. The field examination developed many discrepancies in a portion of the work, while the remainder was sufficiently well executed to be acceptable. The examiner recommended that the survey of townships 1, 2, and 3 north, ranges 1, 2, and 3 east, and township 4 north, range 3 east, be accepted without change, and that the remainder of this contract be resurveyed entirely. The recommendation of the examiner was approved, and the surveyor instructed accord-

ingly. Should the returns of the corrected survey, when received, be found acceptable, the survey of the "Public Land Strip" will be complete.

The opening to settlement of the lands in Oklahoma lying north of the Kickapoo Indian Reservation rendered it necessary to meander the Deep Fork of the Canadian River, in townships 14 north, ranges 1, 2, 3, and 4 east of the Indian Meridian, which forms the northern boundary of said reservation, and to construct new plats showing the segregation of the public lands from the Indian lands. The work was duly executed, and in view of the long experience and well-known skill and reliability of the surveyor selected to do the work, the survey was accepted without examination in the field.

ISLAND SURVEYS.

During the year two island surveys were made upon applications from individuals who desired to obtain title to the same. Instructions for these surveys were authorized by the Department. One survey was of an island in Loup River, township 15 north, range 10 west, sixth P. M., Nebraska, the other an island in the Menomonee River in township 39 north, range 30 west, Michigan.

BOUNDARY BETWEEN NORTH AND SOUTH DAKOTA.

The act of Congress approved September 25, 1890, authorized the Secretary of the Interior to cause to be surveyed, ascertained, and distinctly marked by suitable and permanent monuments the seventh standard parallel of public surveys which forms the boundary between the States of North and South Dakota, and appropriated for the purpose the sum of \$25,000.

By direction of the Department this office advertised for proposals for this work, and upon consideration of the proposals submitted the contract was awarded to Mr. Charles H. Bates, of South Dakota, whose bids for furnishing the required stone monuments and executing the survey amounted to \$21,300, leaving the sum of \$3,700 available to cover the cost of the examination of the survey in the field.

The specifications for this survey required the boundary line to be defined and perpetuated by stone monuments, placed at intervals of half a mile, beginning at or near the initial point (the intersection of the seventh standard parallel with the main channel of the Boise des Sioux River) and ending with the terminal monument on the east boundary of Montana. The stone designated to be used for mile and half mile posts was a very fine grained quartzite obtained from quarries at Sioux Falls, S. Dak.

By direction of the Department all the monuments used on the boundary line were required to be 7 feet long by 10 inches square (minimum dimensions). They were placed in a verticle position, set $3\frac{1}{2}$ feet in the ground, with their faces directed to the cardinal points. All

monuments were required to be conspicuously, neatly, and durably marked with appropriate letters and figures cut clean and smooth into the stone. The surveyor made return of the survey of that portion of the boundary line lying east of the Missouri River in March, 1892, but the work had not been examined at the close of the last fiscal year. In February, 1893, the returns of the survey of that part of the boundary extending from the Missouri River to the east boundary of Montana were received. The examination of the work in the field and of the maps and field notes in this office having shown that the work was executed in a faithful and honest manner, and in accordance with the terms of the contract and special instructions, the survey was accepted. The entire length of the line is 360 miles, 45 chains, and 35 links.

SURVEY OF THE BOUNDARY LINE BETWEEN THE STATES OF NEBRASKA AND SOUTH DAKOTA.

The act approved August 5, 1892, making appropriations for surveying the public lands for the fiscal year 1892-'93, contained the following item, viz:

To enable the Secretary of the Interior to cause to be surveyed and distinctly marked by suitable monuments that portion of the boundary line between the State of Nebraska and the State of South Dakota which lies west of the Missouri River, \$20,000, or so much thereof as may be necessary.

In pursuance of instructions received from the Secretary of the Interior this office, under date of December 23, 1892, caused advertisements to be inserted in several newspapers published in Nebraska and South Dakota, inviting proposals for surveying and marking the boundary line as described. Said advertisement was as follows:

PROPOSALS FOR SURVEYING AND MARKING BOUNDARY LINE.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, December 23, 1892.

Sealed proposals will be received at the General Land Office, Washington, D. C., until 2 o'clock p. m., on Saturday, the 28th day of January, 1893, for the survey and marking by suitable monuments of that portion of the boundary line between the State of Nebraska and the State of South Dakota which lies west of the Missouri River, as authorized by the act of Congress approved August 5, 1892, making appropriation for surveying the public lands (Pamphlet Statutes at Large, 1891-'92, p. 370); also for the furnishing of stone monuments to be placed at half-mile intervals on said boundary. The bids for the survey and for the monuments must be separate, with the privilege to the bidder that, if he is not awarded the contract for both, he will be bound to contract for neither. Copies of the specifications may be had upon application to this office. Each bid must be accompanied by a certified check for \$500. The right to reject any or all bids is reserved. Proposals must be inclosed in envelopes, sealed and marked "Proposals for survey of boundary between Nebraska and South Dakota," and "Proposal for boundary monuments," and addressed to the Commissioner of the General Land Office, Washington, D. C.

Of the several proposals which were received in compliance with said published notice that of Samuel C. Shelton, of Springfield, S. Dak.,

aggregating \$9,535.50, for the execution of the survey according to the specifications as furnished, was accepted, and the contract was awarded to him.

By the terms of the contract and special instructions the deputy is required to execute the work "in his own proper person," with necessary assistants. Mr. Shelton, though the lowest and a competent bidder under the published invitation, is not a practical surveyor, and he therefore declined for stated and other reasons to execute the forms of contract and bond as submitted, and applied for release, agreeing to accept such terms with reference to his deposit of \$500 as would be dictated by the Department.

By direction of the Secretary of the Interior, on the recommendation of this office, Mr. Shelton was released from the terms of his accepted proposal on payment of the expense of the advertisement of December 23, 1892, and a new invitation for proposals was advertised in the respective newspapers in Nebraska and South Dakota, under date of April 3, 1893. The following specific provision was added to the new advertisement for proposals, which otherwise was practically the same as issued in December previous:

Proposals will be considered only from practical, experienced surveyors, whose competence and reliability are satisfactory to this office. The party to whom the contract may be awarded will be required to execute the work "in his own proper person," with such assistance as may be necessary.

In response to the advertisement of April 3, 1893, 20 proposals were received from surveyors and civil engineers, the same ranging in estimates from \$24,950 (the highest) to \$11,700 (the lowest).

On May 6, 1893, the several bids were opened, and after consultation the contract was formally awarded to Joseph H. Jenkins, of Winona, Minn., a civil engineer, as the lowest and best bidder, under his accepted proposal of \$11,700 for executing the survey and establishing the monuments in the manner and form required by specifications of April 3, 1893.

Under date of May 20, 1893, this office entered into a contract with Joseph H. Jenkins for the execution of the survey of the described boundary line, as per specifications and special instructions, for the sum of \$11,700. Mr. Jenkins's bond for the faithful execution of said work, in the penal sum of \$23,400, was duly accepted and approved. On June 19, 1893, the Secretary of the Interior formally approved said contract and accompanying bond, and since that date Mr. Jenkins has received the requisite special instructions and entered upon the performance of the work.

SURVEY OF BOUNDARIES OF THE YELLOWSTONE NATIONAL PARK AND PUBLIC FOREST RESERVATION IN WYOMING.

In compliance with the directions of the Secretary of the Interior, under date of June 30, 1891, the United States surveyor-general for

Montana was instructed by office letter E of September 17, 1891, to award to a competent and reliable surveyor a contract for the survey of the eastern and southern boundaries of the Yellowstone National Park in Wyoming and the lines of the Public Forest Reservation east, south, and adjoining the park, as reserved by the President's proclamation of March 30, 1891.

Accordingly contract and bond No. 263, dated October 17, 1891, was awarded to Philip M. Gallaher, United States deputy surveyor, providing for the survey of the described boundary lines; liability, \$8,960, payable from the appropriation for public surveys and resurveys for the fiscal year ending June 30, 1892, per act of March 3, 1891.

In view of the near expiration of the surveying season at the date of the receipt of the forms of said contract and bond (November 3, 1891), it was deemed expedient to defer final action thereon until the opening of the spring of 1892.

During the ensuing session of Congress several bills were introduced providing for specific changes in the boundaries of the Yellowstone National Park, and until the pending and proposed legislation was finally disposed of by enactment or adjournment it was thought proper to defer action on contract No. 263.

The Fifty-second Congress having expired by limitation, and the proposed changes in the Yellowstone National Park boundaries failing to be enacted into law, the Secretary of the Interior, under date of May 18, 1893, requested this office to inform him what action had been taken to carry into effect departmental directions of June 30, 1891, relative to surveys of the Public Forest Reservation under the President's proclamation of March 30, 1891, and the adjacent boundaries of the Yellowstone National Park.

By office letter E of May 20, 1893, the Secretary of the Interior was informed of the present status of pending contract and bond No. 263, dated October 17, 1891, awarded to Philip M. Gallaher, United States deputy surveyor, for the survey of designated boundary lines.

In his letter of June 3, 1893, the Secretary of the Interior authorized this office to approve said contract at the rates of mileage therein stipulated, payable from the appropriation for the fiscal year ending June 30, 1892.

Contract and bond No. 263, with Philip M. Gallaher, was accordingly approved June 3, 1893, and the United States surveyor-general for Montana was duly advised regarding the same.

Work under said contract is now in progress, and under the terms of the contract and limit of the appropriation must be completed, examined in the field, approved by the surveyor-general, and accepted by this office, prior to July 1, 1894.

COMPENSATION FOR SURVEYS EXCEPTIONALLY DIFFICULT TO EXECUTE AND FOR FRAGMENTARY SURVEYS.

In my estimate for surveys and resurveys of public lands for the ensuing fiscal year, I have, in addition to the usual recommendation as to the rates per mile to be allowed for the survey of difficult classes of lands, submitted the following, "and it shall be lawful for the Commissioner of the General Land Office, when deemed expedient, to authorize surveys and resurveys at a reasonable compensation by the day instead of by the mile, and when surveys are required involving an expenditure not exceeding two hundred and fifty dollars the said Commissioner may authorize the same to be made for a specified sum for the entire work."

The law (section 2411, R. S.) now provides for a per diem compensation for surveys in California and Oregon, but cases occasionally arise in other districts where surveys required to be made are rendered exceptionally difficult, by reason of the necessity for ascertaining the positions of corners of old surveys, from which to start and upon which to close, the new surveys and the identification of the old lines may involve much more time and labor than is required for the running and marking of the new lines. Under these circumstances it is difficult to obtain the services of skilled surveyors at the rates per mile now allowed by law.

Applications are frequently received for the survey of islands, or other fragmentary surveys, involving but little work in the field, and it has heretofore been the practice to have such surveys executed for a given sum for the entire work, and no objections were raised by the Treasury Department to the accounts of the deputy surveyors when presented for payment, but the First Comptroller of the Treasury, in a recent case of this kind, adjusted the account upon the basis of the mileage rates allowed by law, and stated that all similar accounts under similar circumstances would be adjusted in the same manner. In the case referred to the reduction in the account was more than two-thirds of the sum provided in the contract with the deputy-surveyor. There are many cases arising where the small amount of fieldwork to be done will not justify surveyors to undertake the work at the mileage allowed by law, and it is for the purpose of enabling this office to have such surveys executed that I have made the recommendation in the estimate above referred to, and I trust that the same may be incorporated in the appropriation act for the ensuing fiscal year.

ENTRIES PENDING.

It is ascertained, from the best attainable data, that there were pending, in this office, on June 30, 1892, the close of the fiscal year, of final entries of all kinds 24,269, and by reports from the several divisions of

this office it appears that, at the close of the fiscal year ending June 30, 1893, there were 27,036 final entries pending, an increase of 2,767 as compared with the last preceding year.

RAILROAD SELECTIONS AND WAGON-ROAD SELECTIONS PENDING.

At the close of the fiscal year ending June 30, 1892, there were pending railroad selections embracing 28,846,961.60 acres; of the same class of selections there were pending June 30, 1893, an aggregate embracing 29,687,475.06 acres, showing an increase of 840,513.46 acres, as compared with the railroad selections pending at the close of the fiscal year ending June 30, 1892.

There were wagon-road selections pending at the close of the fiscal year ending June 30, 1892, to the amount of 313,406.37 acres, and the same amount was pending at the close of the fiscal year ending June 30, 1893, making a total of railroad and wagon-road selections pending at the latter date of 30,000,881.43 acres.

BOUNTY LAND BUSINESS.

The following is a statement of the number of acres represented by military bounty land warrants located in the several land States and Territories for the year ending June 30, 1893, or not heretofore reported, which warrants were issued under the acts of 1847, 1850, 1852, and 1855. The aggregate number of acres is computed at the rate of \$1.25 per acre. It does not show the exact area of the lands located with the warrants.

| States and Territories. | Acres. | States and Territories. | Acres. |
|-------------------------|--------|-------------------------|--------|
| Alabama..... | 40 | Montana..... | 160 |
| Arizona..... | 160 | New Mexico..... | 160 |
| California..... | 920 | North Dakota..... | 1,560 |
| Colorado..... | 960 | Oregon..... | 320 |
| Idaho..... | 160 | South Dakota..... | 320 |
| Kansas..... | 640 | Washington..... | 320 |
| Michigan..... | 1,160 | Wisconsin..... | 40 |
| Minnesota..... | 760 | Wyoming..... | 160 |
| Mississippi..... | 520 | | |
| Missouri..... | 280 | Total..... | 8,640 |

Summary.

| Denomination of warrants. | 40 acres. | 80 acres. | 120 acres. | 160 acres. | Total. |
|---------------------------|-----------|-----------|------------|------------|--------|
| Act of 1847..... | 1 | | | 5 | 840 |
| Act of 1850..... | 3 | 2 | | 1 | 440 |
| Act of 1852..... | 2 | | | | 80 |
| Act of 1855..... | | 2 | 10 | 37 | 7,280 |
| Total..... | 6 | 4 | 10 | 43 | 8,640 |

VACANT PUBLIC LANDS.

Reports have been received from the various district land offices, giving an approximate estimate of the quantity of vacant public lands existing in the several land districts at the close of the fiscal year ending June 30, 1893, of which the following is presented as a recapitulation:

| State or Territory. | Surveyed land. | Unsurveyed land. | Total area. |
|---------------------|-------------------|---------------------|---------------|
| | <i>Acres.</i> | <i>Acres.</i> | <i>Acres.</i> |
| Alabama | 966, 260 | ..... | 966, 260 |
| Arizona | 12, 066, 212 | 37, 482, 333 | 49, 548, 545 |
| Arkansas | 4, 757, 604 | ..... | 4, 757, 604 |
| California | 32, 588, 525 | 15, 158, 824 | 47, 747, 349 |
| Colorado | 36, 108, 536 | 5, 243, 208 | 41, 351, 744 |
| Florida | 2, 303, 478 | 799, 230 | 3, 102, 708 |
| Idaho | 6, 345, 063 | 31, 312, 757 | 37, 657, 820 |
| Iowa | 13 | ..... | 13 |
| Kansas | 713, 560 | ..... | 713, 560 |
| Louisiana | 1, 017, 099 | 101, 389 | 1, 118, 488 |
| Michigan | 681, 015 | ..... | 681, 015 |
| Minnesota | 2, 799, 022 | 3, 107, 690 | 5, 906, 712 |
| Mississippi | 835, 300 | ..... | 835, 300 |
| Missouri | 963, 059 | ..... | 963, 059 |
| Montana | 13, 530, 110 | 61, 105, 815 | 74, 635, 925 |
| Nebraska | 10, 254, 713 | 115, 500 | 10, 369, 713 |
| Nevada | 30, 202, 044 | 23, 314, 379 | 53, 516, 423 |
| New Mexico | 39, 445, 999 | 15, 101, 755 | 54, 547, 754 |
| North Dakota | 8, 697, 196 | 9, 729, 310 | 18, 426, 506 |
| Oklahoma | 5, 569, 702 | 406, 400 | 5, 976, 102 |
| Oregon | 24, 155, 387 | 13, 062, 169 | 37, 217, 556 |
| South Dakota | 9, 287, 275 | 3, 737, 220 | 13, 024, 495 |
| Utah | 7, 075, 296 | 28, 027, 699 | 35, 102, 995 |
| Washington | 5, 414, 246 | 13, 400, 765 | 18, 815, 011 |
| Wisconsin | 627, 774 | ..... | 627, 774 |
| Wyoming | 39, 957, 955 | 13, 445, 209 | 53, 403, 164 |
| Grand total | 296, 362, 443 | 274, 651, 152 | 571, 013, 595 |

This aggregate is exclusive of Ohio, Indiana, and Illinois, in which, if any public land remains, it consists of a few small, isolated tracts. It is exclusive of Alaska, containing 577,390 square miles, or 369,529,600 acres. It is also exclusive of military and Indian reservations and lands subject to sale for the benefit of certain Indian tribes, and exclusive of reservoir-site and timber reservations and tracts covered by selections, filings, railroad grants, and claims as yet unadjudicated, a part of which may in the future be added to the public domain.

DIVISION OF PRIVATE LAND CLAIMS "D."

This division has charge of all claims to land which had their origin in some form of concession from a foreign government before the acquisition by the United States of the territory in which such claims are located, and are such as are embraced within the purchases of Louisiana and Florida, the former by the treaty of April 30, 1803, with France, and the latter by the treaty of February 22, 1819, with Spain, and the cession made by Mexico by the treaty of Guadalupe-Hidalgo and the subsequent Gadsden purchase.

The rights of claimants to property acquired from the former governments when they exercised sovereignty over the regions of country in which their respective claims are situated are recognized and protected by the treaties of acquisition referred to, and others. After the confirmation of this class of claims under the various laws passed by Congress for ascertaining their validity, their proper location by the United States survey, and patenting, are among the matters assigned to this division.

This division also has charge of Indian lands, both reservations for individual Indians and allotments; and of the examination and patenting of such lands, in severalty, under the various treaties and acts of Congress in that regard.

It likewise has charge of the examination, location, and patenting of donation claims in the States of Oregon and Washington and the Territories of New Mexico and Arizona, and the issuing of scrip in satisfaction of confirmed claims where the title to such claims has been adjudicated by the Supreme Court of the United States under the act of Congress of June 22, 1860, and certificates of location, or scrip, have been decreed by said court. Also of the examination and authentication of other scrip issued for like purposes under the act of June 2, 1858, and under private acts, and the examination and patenting of New Madrid locations (act of February 17, 1815), and other matters in the service similar to the foregoing, including the approval of the assignments of indemnity scrip which has been located upon the public domain, or applied in the payment of preëmption or commutation of homestead claims, under the provisions of the act approved January 28, 1879.

The labors of this division, particularly in the matters of contests between Indian allottees and white settlers, and the resulting correspondence, have been much increased, in view of the act of Congress of February 8, 1887 (24 Stats., 388), and supplemental legislation, providing for allotments to Indians.

WORK PERFORMED.

During the fiscal year ending June 30, 1893, the principal work performed in the final adjudication of cases pending in this division was as follows:

| | |
|---|-------|
| California private-land claims patented | 1 |
| New Mexico private-land claims patented..... | 2 |
| Missouri, Florida, and Louisiana private-land claims patented..... | 31 |
| Claims of missionary associations patented..... | 10 |
| Patents to villages of mission Indians (Cal) | 2 |
| Oregon and Washington donation patents | 14 |
| Indian claims patented..... | 2,932 |
| Entries with certificates of location finally approved | 182 |
| Claims in Louisiana satisfied with scrip, act of June 2, 1858 | 38 |

The scrip issued in satisfaction of the above thirty-eight Louisiana confirmed, but unlocated claims, amounted to 27,318.17 acres.

The total number of letters received in this division during the fiscal year was 1,667, and the number written was 1,635.

Of cases examined some have been passed for patenting, while others have been suspended and are now subjects of correspondence.

Of the cases decided some are now on appeal or awaiting the expiration of the time within which appeal may be taken or motion for review made.

The following statement will show the condition of the work in this division, generally, at the close of the fiscal year ending June 30, 1893:

| | |
|--|--------|
| California cases docketed and not finally adjudicated | 12 |
| Confirmed New Mexico and Arizona private-land claims not finally adjudicated. | 27 |
| Oregon, Washington, New Mexico, and Arizona donations reported and not finally adjudicated | 92 |
| Scrip cases, act of June 2, 1858, reported and awaiting action | 76 |
| Imperfect claims reported under act of June 22, 1860, and supplemental legislation, to be reported to Congress by this office | 2 |
| Florida, Louisiana, Illinois, Michigan, etc., cases awaiting action | 2, 994 |
| Claims within limits of Las Animas grant in Colorado rejected by the register and receiver under act of February 25, 1869, on file, exclusive of one disposed of in 1874 and one withdrawn | 24 |
| Scrip locations pending | 836 |
| Indian allotments not patented | 1, 711 |
| Docketed Indian allotment contests | 184 |
| New Mexico private-land claims in which final decrees on title have been rendered by the Court of Private Land Claims, and which are pending here for proper surveys and patents | 12 |

There is also quite a large amount of correspondence and cases, classified and unclassified, referred from the Department for report, and from other divisions of this Bureau, awaiting appropriate action.

RAILROAD LAND GRANTS.

During the fiscal year ending June 30, 1893, lands have been certified and patented on account of railroad grants as follows:

| Railroads. | Number of acres. | Where located. |
|--|------------------|----------------|
| Union Pacific Rwy. Co | 48, 794. 87 | Kansas. |
| Do | 314. 43 | Nebraska. |
| Atlantic and Pacific R. R. Co. | 312, 386. 73 | New Mexico. |
| Central Pacific R. R. Co. | 75, 382. 16 | Utah. |
| Central Pacific R. R. Co., Oregon Division | 187, 275. 55 | California. |
| New Orleans Pacific Rwy Co | 70, 807. 36 | Louisiana. |
| Gulf and Ship Island R. R. Co. | 39, 810. 52 | Mississippi. |
| Florida Central and Peninsula R. R. Co. | 255, 560. 32 | Florida. |
| Oregon and California R. R. Co. | 292, 486. 90 | Oregon. |
| Southern Pacific R. R. Co. | 71, 553. 11 | California. |
| Northern Pacific R. R. Co. | 2, 055. 84 | Minnesota. |
| Do | 210, 397. 78 | North Dakota. |
| Do | 148, 469. 54 | Washington. |
| Do | 422. 75 | Oregon. |
| Denver Pacific | 116. 71 | Colorado. |
| Dubuque and Sioux City | 200. 00 | Iowa. |
| Hastings and Dakota | 9, 905. 38 | Minnesota. |
| Chicago, Milwaukee and St. Paul | 240. 00 | Iowa. |
| Total | 1, 726, 179. 95 | |

It should be stated in this connection that 302,181.16 acres, which were allotted to the Mobile and Girard Railroad Company, under the adjustment of its grant approved April 24, 1893, having been previously certified, are not included in this total.

As shown by the above statement, there have been patented and certified under the several grants to aid in the construction of railroads during the fiscal year ending June 30, 1893, 1,276,179.95 acres. During the fiscal year ending June 30, 1892, lands were certified and patented on account of railroad grants to the aggregate quantity of 2,018,553.64 acres, showing a decrease during the fiscal year ending June 30, 1893, as compared with the previous fiscal year, of 292,373.69 acres. There remained pending at the end of the fiscal year ending June 30, 1893, railroad selections to the amount of 29,687,475.06 acres, as against 28,846,961.60 acres pending at the close of the fiscal year ending June 30, 1892, showing an increase in cases pending of 840,513.46 acres.

ADJUSTMENTS.

The adjustments of the grants to the following railroad companies have been submitted to the Department for its consideration, viz:

St. Louis, Iron Mountain and Southern, submitted August 8, 1888.
 Cedar Rapids and Missouri River, submitted November, 13, 1888.
 Dubuque and Pacific, submitted September 23, 1888.
 Little Rock and Fort Smith, submitted November 12, 1888.
 Atchison, Topeka and Santa Fe, submitted December 20, 1888.
 Main line St. Paul and Pacific, and St. Vincent Extension, known as St. Paul, Minneapolis and Manitoba, submitted January 25, 1890.
 Alabama and Florida, submitted February 26, 1890.
 Florida and Alabama, submitted February 26, 1890.
 St. Paul and Duluth, submitted February 26, 1890.
 Southern Minnesota Extension, submitted February 26, 1890.
 Chicago and Northwestern (Wis.), submitted February 26, 1890.
 Wills Valley Railroad and Northeast and Southwest, known as Alabama and Chattanooga, submitted February 27, 1890.
 Chicago, Milwaukee and St. Paul (Iowa), submitted May 19, 1890.
 Hastings and Dakota, submitted June 22, 1890.
 Gulf and Ship Island, submitted February 11, 1892.

The following railroad and other land grants have been adjusted and approved by the Department:

Sioux City and St. Paul, approved June 22, 1887.
 Chicago, St. Paul, Minneapolis and Omaha, approved February 12, 1887.
 Hannibal and St. Joseph, approved May 29, 1887.
 Grand Rapids and Indiana, approved July 20, 1887.
 Missouri, Kansas and Texas, approved August 2, 1887.
 Coos Bay Military Wagon Road, approved February 1, 1892.
 Bay de Noquet and Marquette, approved October 3, 1892.
 Mobile and Girard, approved April 24, 1893.
 Vicksburg, Shreveport and Pacific, approved May 18, 1892.

The adjustment of the grant to the State of Oregon for the Coos Bay Wagon Road Company was submitted to the Department January 13,

1888, and returned to this office February 1, 1892, with instructions that a demand be made upon the company for the reconveyance to the United States of certain lands shown by the adjustment to have been erroneously patented under its grant, aggregating 10,359.20 acres.

The demand was duly made on March 25, 1892, and no response having been received the case was reported to the Department on July 16, 1892.

The adjustment of the grant for the Vicksburg, Shreveport and Pacific Railroad Company, submitted February 26, 1890, was returned by the Department May 18, 1892, with instructions that the company be called upon to reconvey to the United States certain lands which appeared from the adjustment to have been erroneously certified to the State, amounting to 1,400 acres. Accordingly, a demand for the reconveyance was made on May 25, 1892. A response was made wherein the company declined to reconvey the lands, and the case was reported to the Department October 12, 1892.

Upon a reëxamination of the grant to aid in the construction of the Bay de Noquet and Marquette Railroad, it was discovered that there had been certified to the State thereunder 12,695.95 acres in excess of the quantity to which the company was entitled, and the facts were reported to the Department in letter of September 1, 1892, accompanied by a descriptive list of the lands. These lands had not been conveyed by the State to the company, and the governor, acting under authority of a joint resolution of the State legislature approved June 15, 1889, released them, with other lands, to the United States, September 26, 1889.

In view of these facts this office recommended the acceptance of the release, as to the excess certification, and the restoration of the lands to entry.

On October 3, 1892, the Department approved the recommendation, and on October 5 following instructions were given for the restoration of the lands.

The adjustment, under the eighth section of the act of September 29, 1890, of the grant to the Mobile and Girard Railroad Company, was submitted to the Department on April 21 and was approved on April 24, 1893. Under this adjustment 302,181.16 acres of land were allotted to the company for the benefit of its grantees and in full satisfaction of the grant for said company under the act of June 3, 1856, and the eighth section of the act of 1890 aforesaid.

As there had been previously certified under this grant 504,167.11 acres of land, there remained, after satisfying the grant, 201,985.95 acres for restoration to entry, and the local officers at Montgomery, Ala., were directed to restore these lands, on a day to be fixed by them, ninety days after the publication of a notice in a newspaper of general circulation in their vicinity to all claimants of the intended restoration.

The notice was duly given, and from a report of the local office the lands

were to be opened to entry on July 19, 1893, excepting tracts embraced in the case of certain homestead claimants who were authorized to make entry during the period of publication.

RIGHT OF WAY OF RAILROADS.

By act approved March 3, 1875, Congress granted to railroads, upon certain conditions, the right of way through the public lands.

Under the provisions of this act and of special acts, 424 companies have filed articles of incorporation which have been approved, 17 of which were approved during the past year. These companies have filed during the past year 680 maps of the locations of their roads, 346 of which have been approved and 300 returned for correction.

A large number of maps showing the location of right of way roads over unsurveyed lands have been received, but have not been accepted, and consequently have not been reported in the above statement, although the work required to examine them and the correspondence necessary for their disposal consumed a large amount of time.

RIGHT OF WAY OF CANALS, DITCHES, AND RESERVOIR SITES.

By sections 18, 19, 20, and 21 of the act of Congress approved March 3, 1891 (26 Stat., 1095), grant of right of way over the public lands and reservations of the United States, excepting Indian reservations, for the use of canals, ditches, and reservoirs which have heretofore been, or may hereafter be constructed by corporations, individuals, or associations of individuals, upon their complying with certain requirements as to the filing of certain certificates and maps, was made.

During the past year 109 applications for right of way of canals, ditches, and for reservoir sites under said sections have been received, of which 59 were made by individuals and firms and 50 by corporations. They cover 138 reservoirs and 169 canals and ditches. Forty-seven applications have been approved by the Department and 3 rejected. Twelve applications have been rejected by this office.

This branch of the work of the division is increasing steadily, and the importance of this law in inducing the constructing of irrigating canals, ditches, and storage reservoirs, and thereby causing the arid lands to become productive and their settlement extended, thus increasing the wealth and resources of the country, is manifest.

The examination of the applications filed under this act is now in charge of clerks expert in the examination of surveys and of irrigating methods, and the work will be rapidly disposed of.

In view of the importance of this law and of the act granting the right of way to railroads, I have thought proper to direct the preparation of a new circular of instructions relative to these acts, which will contain more explicit directions and embody the rulings of the Depart-

ment upon these questions up to date. This circular will be issued at an early day.

I also inclose in this report a list of railroads, canals, ditches, and reservoirs for which rights of way have been granted.

LEGISLATION.

By act approved January 31, 1893, Congress further amended the act of September 29, 1890.

The act of September 29, 1890, known as the general forfeiture act, declared a forfeiture of all land grants theretofore made to aid in the construction of railroads opposite to and coterminous with the portions of such roads which were not at that time completed and in operation. The second section thereof gave a preference right of entry to actual settlers in good faith under the homestead law, to be exercised within six months, and the third section authorized certain parties to purchase the forfeited lands claimed by them to the extent of 320 acres to each party at any time within two years from its passage. The act was amended by the act of February 18, 1891, so as to cause the time allowed all claimants for the assertion of their claims to commence to run from the date of the promulgation of the instructions for the restoration of the lands by this office, instead of the date of the act. Another amendment made by act of June 25, 1892, which affected claimants under the third section only, extended the time three years from the approval of said act of 1890. The above amendments were general and applied to all grants forfeited by the general forfeiture act.

By act of January 31, 1893, the time for purchase by claimants of the forfeited lands upon the line of the Northern Pacific Railroad Company between Wallula, Wash., and Portland, Oregon, was extended to January 1, 1894.

By section 7 of the act of September 29, 1890, it was provided that the forfeiture declared by the first section should not apply to that portion of the grant to the State of Mississippi to aid in the construction of the road known as the Gulf and Ship Island Railroad, lying south of Hattiesburg, which had not been constructed, until one year from the passage of the act, but no additional road was constructed by the company during the year, and the matter was reported to the Department with a recommendation that the lands opposite to and coterminous with the unconstructed road be restored to entry. The Secretary approved of this action on March 3, 1893, but the attorney for the company filed a motion for review of the decision, which was submitted to the Department March 13, 1893, and is now pending before it.

In the last annual report of this office reference was made to a bill then pending before Congress for the relief of settlers upon certain lands in the States of North Dakota and South Dakota. The act was passed and was approved by the President August 5, 1892.

Under rulings of this office and Department, holding that the grants to the St. Paul, Minneapolis and Manitoba Railroad Company were restricted to the State line of Minnesota, certain lands in North Dakota and South Dakota were opened to settlement and entry. The Supreme Court of the United States, in the case of said company *vs.* Ransom Phelps (137 U. S., 528), decided that said grants were not limited to said State line, but extended into the Dakotas, and the limits of the grants were extended accordingly. It was thereupon found that large quantities of the lands falling within the extended limits had been settled upon and entered, and, in a number of cases, patents had issued.

The settlers and entrymen thus became liable to eviction, and with a view to protect them, the Senate, on February 28, 1891, passed a resolution directing that a negotiation with the company be had with a view to a release by it of such of the lands as had been settled upon and entered. Accordingly, a correspondence with the company was opened which resulted in the passage of the act which was approved August 5, 1892.

This act authorized the company to release to the United States any of such land which, prior to January 1, 1891, had been purchased, or occupied, or improved in good faith, under color of title or right to do so derived from any law of the United States relating to the public domain to which no paramount right had attached at the times of the definite locations of the roads, and which had not been abandoned at the date of the act, but not including any lands within the limits of the grant for the St. Vincent extension of the road upon which any person or persons had in good faith settled and made or acquired valuable improvements prior to March, 1877; and in lieu of the lands so released the company was authorized to select an equal quantity of nonmineral public lands, so classified as nonmineral at the time of the actual Government survey, not reserved, and to which no adverse right or claim should have attached, or have been initiated, at the time of making such selection, lying within any State into or through which the railway owned by said company runs. The act also authorized the selection by the company of unsurveyed lands, and directed the Secretary of the Interior to cause to be prepared and delivered to said company a list of the tracts the release of which was contemplated by it.

In accordance with the requirements of the act certain lists of the lands within the limits aforesaid which were covered by completed claims, that is, claims upon which satisfactory proof had been made, covering 44,790.51 acres, were prepared and submitted to the Department and were by the Department delivered to the company, which duly released them October 20, 1892. The release was accepted by the Department December 8, 1892.

On October 19, 1892, the local officers of the districts wherein the lands are situated were directed to call upon the parties having uncom-

pleted claims of record for evidence that they had not abandoned the land on August 5, 1892, and to publish a notice to all persons who, prior to January 1, 1891, had purchased, occupied, or improved any of the lands as aforesaid, and who had not abandoned their claims prior to August 5, 1892, that they would be entitled, upon making proper proof, to make entry.

Upon reports received from the local officers, two lists, one of lands lying within the limits of the main line and the other of tracts within the limits of the St. Vincent extension, aggregating 3,021.69 acres, were prepared, and on May 29, 1893, were submitted to the Department for release by the company.

DEPARTMENTAL ACTION.

In making the restorations under the forfeiture act of September 29, 1890, all the unpatented lands lying opposite the unconstructed and forfeited portion of the Northern Pacific Railroad in Oregon, excepting a moiety lying within the constructed Cascade Branch of said company's road, were, with the approval of the Department, ordered restored to entry, and the restoration included certain lands lying within the subsequent grants by acts of July 25, 1866, and February 25, 1867, to the Oregon and California Railroad Company and The Dalles Military Road Company, respectively. A protest was filed by the Oregon and California Railroad Company against the allowance of entries for the lands within the limits of its grant, and the suspension from disposal of all lands within its granted limits and of the patented and selected lands within its indemnity limits was made with the approval of the Department, pending the determination of a suit by the United States to recover the title to certain lands within the overlapping limits of the two grants which had been erroneously patented to the company.

There was no suspension from entry of the forfeited lands within the limits of The Dalles military road grant, but the local officers at The Dalles, Oregon, the district wherein the lands are situated, having rejected certain applications for said lands, the attorneys for the applicants, in a letter addressed to the Department, asked that they be instructed to allow the entries.

The letter was referred to this office for report; the report was made, and after consideration thereof the Department on May 13, 1893, directed that entries of the lands be allowed. Suitable instructions were given the local officers on May 23, 1893, for the disposal of the lands, and on June 7, 1893, the president of the company was called upon to show cause why the proper steps should not be taken for the recovery of certain of the land within the limits aforesaid which had been erroneously patented to The Dalles company.

An application for the revocation of the order for the disposal of the lands has been filed by the company, was submitted to the Department July 10, 1893, and is still pending.

A reply to the rule to show cause, served upon the president of the company, has been filed, and will be submitted in due course of business.

SUPREME COURT DECISIONS.

During the past year several decisions have been rendered by the United States Supreme Court affecting the rights of land-grant railroads, a brief mention of which herein is deemed proper.

In the case of the *United States vs. the Southern Pacific Railroad Company* (146 U. S., 520), it was decided that certain land lying within the State of California and within the common primary limits of the grant to the Southern Pacific Railroad Company and that portion of the Atlantic and Pacific Company's grant which was declared forfeited by the act of July 6, 1886, did not pass under the grant to the former, but reverted to the United States.

And in the case of the *United States vs. Cotton, Marble & Co.*, and the *United States vs. Southern Pacific Railroad Company* (146 U. S., 615), the court held that lands lying within the indemnity limits of the Atlantic and Pacific grant and the primary limits of the grant to the Southern Pacific Company, were also excepted from the latter grant, and were restored to the public domain. The result of these decisions will be the restoration to entry of a large quantity of land, but as a comparatively small quantity was involved in these cases, and questions affecting their status as well as that of other lands within the limits specified, but not involved in the litigation, are pending, their restoration will necessarily be deferred until said questions shall be determined.

The case of the *United States v. Union Pacific Railway Company* (148 U. S., 562), originated in a bill in equity filed by the Government against the company and others holding title under it, to secure the cancellation of certain patents issued to the Kansas Pacific Railroad Company and Denver Pacific Railway and Telegraph Company, upon the ground that the grant by the act of July 1, 1862 (12 Stat., 489), as amended, to the Union Pacific Railway Company, eastern division, to aid in the construction of a railroad from Kansas City, Mo., to Denver, Colo., and that by the act of March 3, 1869 (15 Stat., 324), to aid in the construction of the road from Denver to a connection with the Union Pacific Railroad at Cheyenne, to the Denver Pacific Railroad Company, were two distinct and separate grants, and should be adjusted separately. And that upon such adjustments the terminals drawn for the grants at Denver left a triangle southwest of said city beyond and outside the limits of both grants. The lands in question are situated within said triangle.

The decision of the court was adverse to the United States, it holding that the grant of July 1, 1862, as amended, to construct a road to Denver and from thence northerly to connect with the Union Pacific at

Cheyenne, was not affected by the act of March 3, 1869, in such a way as to make it to terminate at Denver, and cause the grant to end there. The decision in effect was that the grant was continuous and included the triangle aforesaid. Few if any entries of the lands involved have been allowed, and the decision will result in no hardship to settlers.

In *United States vs. California and Oregon Land Company* (148 U. S., 31), successor to the Oregon Central Military Road Company, the suit was brought pursuant to the act of Congress approved March 2, 1889 (25 Stat., 850), with a view to declare a forfeiture of the grant to aid in the construction of the wagon road. The decision was against the United States.

A similar suit against the Dalles Military Road Company was also decided against the United States (148 U. S., 49), and in the suit against the Willamette Valley and Cascade Mountain Wagon Road Company, involving similar questions, the Attorney-General, on March 8, 1893, directed the United States attorney at Portland, Oregon, to dismiss the appeal by the Government to the circuit court of appeals.

Certain lands, selected and listed by the companies for patent, have been suspended, awaiting the result of these suits, but may now be examined and passed upon, the cause of suspension having been removed, and they will be taken up for examination as early as practicable.

The grant to the Willamette Valley road has already been examined and data collected for its adjustment.

G.—PREÉMPTION DIVISION.

This division of the General Land Office as originally established had, as its name indicates, for its principal duty examining and adjudicating claims arising under the provisions of the preëemption laws. The act of March 3, 1891, prospectively repealed those laws, but provided for the protection of rights previously initiated thereunder. In addition to the examination and adjudication of the claims of prior inception so protected by the repealing act, this division now has charge of contest cases in which preëemption rights or town-site questions are involved; also, of the examination and final action on entries made under the timber culturé, desert land, and town-site laws.

The correspondence of the division relates to the above classes of work.

The following is a summary of the work performed in this division during the fiscal year ending June 30, 1893:

Correspondence.

| | |
|--|--------|
| Letters on hand at beginning of fiscal year..... | 504 |
| Letters received during the fiscal year | 13,472 |
| On hand and received..... | 13,976 |

| | |
|---|----------|
| Letters answered by this division | 5, 571 |
| Letters referred to other divisions | 960 |
| Letters filed with cases, requiring no answers | 6, 813 |
| <hr/> | |
| Total number disposed of | 13, 344 |
| Number of letters pending at close of fiscal year | 632 |
| Other letters written in the examination of cases | 6, 046 |
| Total number of letters written during the year | 11, 617 |
| Number of certified copies furnished | 44 |
| Amount received in payment for same | \$188.98 |

Entries approved for patenting during the fiscal year.

| | |
|-------------------------------|---------|
| Preëmption | 5, 382 |
| Commuted timber-culture | 2, 539 |
| Final timber-culture | 5, 223 |
| Final desert | 618 |
| Town site | 43 |
| Town lot | 678 |
| <hr/> | |
| Total | 14, 483 |

Entries canceled during the fiscal year.

| | |
|-------------------------------|-----|
| Preëmption | 204 |
| Commuted timber-culture | 2 |
| Final desert | 2 |
| <hr/> | |
| Total | 208 |

Contests involving preëmption rights.

| | |
|---|-----|
| Number of cases pending July 1, 1892 | 149 |
| Received during the fiscal year | 157 |
| <hr/> | |
| Total | 306 |
| Examined and decided during the year | 187 |
| Number of cases on hand at close of fiscal year | 119 |

Town-site contests.

| | |
|---|----|
| Number of cases pending July 1, 1892 | 25 |
| Received during the fiscal year | 16 |
| <hr/> | |
| Total | 41 |
| Examined and decided during the year | 18 |
| <hr/> | |
| Number of cases on hand at close of fiscal year | 23 |

Oklahoma town-lot contests.

| | |
|---|-----|
| Number of cases pending July 1, 1892 | 106 |
| Received during the fiscal year | 218 |
| <hr/> | |
| Total | 324 |
| Examined and decided during the year | 21 |
| <hr/> | |
| Number of cases on hand at close of fiscal year | 303 |

Appeals from decisions of Commissioner.

| | |
|--|-----|
| Number on hand July 1, 1892 | 21 |
| Received during the fiscal year | 401 |
| Total | 422 |
| Transmitted to the honorable Secretary of the Interior | 392 |
| Number on hand at close of the fiscal year | 30 |
| Number of Departmental decisions promulgated during the fiscal year ending June 30, 1893 | 378 |

CONTEST CASES.

The contest division (H) has charge of a class of contest cases arising in the course of administration of the laws for the disposal of the public lands. There are certain other contests, however, which are disposed of in the preëmption division (G), private-claims division (D), the mineral division (N), the railroad division (F), the special-service division (P), and the swamp-land division (K). The condition of the work as regards the cases disposed of in the contest division (H) during the fiscal year and the cases still pending therein are indicated in the following statement, viz:

Appealed (docket) cases:

| | |
|---|-------|
| On hand July 1, 1892 (including 184 undecided and 1,721 cases decided but not finally closed) | 1,905 |
| Received during the year | 1,015 |
| | 2,920 |
| Closed during the year | 593 |
| Transmitted to honorable Secretary | 1,101 |
| Referred to other divisions | 20 |
| | 1,714 |
| Balance appeal cases on hand | 1,206 |
| Decided, but not finally closed | 1,015 |
| Balance undecided appeal cases on hand | 191 |

Unappealed cases:

| | |
|---|-------|
| On hand July 1, 1892 (including 106 undecided and 398 cases decided but not finally closed) | 504 |
| Received during the year | 4,576 |
| | 5,080 |
| Examined and closed | 4,116 |
| Referred to other divisions | 31 |
| | 4,147 |
| Balance unappealed cases on hand | 933 |
| Decided, but not finally closed | 383 |
| Balance undecided unappealed cases on hand | 550 |
| Total undecided contests on hand | 741 |

| | |
|--|---------|
| Entries canceled during the year | 3,942 |
| Entries involved in pending contests | 2,139 |
| Acres involved in pending contests | 342,240 |

STATE AND TERRITORIAL GRANTS.

I. SWAMP LANDS.

In the adjustment of claims for swamp lands in place and swamp-land cash indemnity, two special agents were employed in the field during a portion of the year, examining lands and taking testimony to determine the true character of the tracts selected as swamp lands or as the basis of indemnity.

Claims for lands in place were reported to this office under the acts of September 28, 1850, and March 12, 1860, to the amount of 118,785.32 acres, which increases the aggregate selections since the passage of the swamp-land grants to 80,390,326.45 acres. Claims for cash and land indemnity were received and recorded on the basis of 44,513 acres.

Lists of swamp lands embracing 282,646.90 acres were approved by the Secretary of the Interior. Of this amount 50,090.98 acres were approved under the grant of March 2, 1849, and 232,555.92 acres under the grants of September 28, 1850, and March 12, 1860. The total quantity approved since the dates of the grants is 59,802,960.39 acres.

Patents and certified lists covering 249,854.09 acres were issued during the year, making the total acreage of swamp lands patented and certified under the various grants 57,418,216.45 acres. Patents embracing 58,925.43 acres of agricultural lands selected in lieu of swamp lands located with warrants or scrip were also issued, increasing the quantity of this class of lands patented since March 2, 1855, to 684,113 acres.

Claims of the States to swamp lands in place were rejected during the year on 777,845.72 acres, the largest quantity rejected in any year since the dates of the grants.

Claims of the States for swamp-land indemnity under the acts of March 2, 1855, and March 3, 1857, were acted upon in a large number of cases, but only \$416.22 were allowed, on 440.31 acres, as cash indemnity, making a total of \$1,599,781.48 paid to the several States since the passage of the indemnity acts. Claims for swamp-land indemnity were rejected during the year on 295,194.63 acres. The greater part of the rejections were to clear the records of improper selections, so as to better determine what legal claims remain unadjusted, and to facilitate the final settlement of proper claims.

II. SCHOOL AND EDUCATIONAL GRANTS.

The selections pending on June 30, 1893, aggregate 1,474,625.05 acres. This indicates an increase of selections in the quantity of 381,456.53 acres over these pending a year previous, but it does not indicate that the work is farther in arrears. On the contrary, much progress has been made in the examination of selections preparatory to submitting them for approval, which will greatly facilitate the work of preparing clear lists during the coming year. The work pending is mostly of current character, and its increase in volume is attributable to the large

number of selections made by the six States admitted during the years 1889 and 1890, which have exceeded in amount those of any previous year.

SCHOOL LAND IN OKLAHOMA.

Congress, by the thirty-sixth section of the act of March 3, 1891 (26 U. S. Stats., 1053), provided:

That the school lands reserved in the Territory of Oklahoma by this act and former acts of Congress may be leased for a period not exceeding three years, for the benefit of the school fund of said Territory, by the governor thereof, under regulations to be prescribed by the Secretary of the Interior.

A full history of the preliminary work of carrying out the above law was given in the report of this office for the year 1892, p. 52 *et seq.*

On the 13th day of April, 1893, the rule approved March 20, 1891, which restricted leases of school lands in the Territory to 160 acres, was amended so that the quantity of lands to be leased to any one person shall not exceed one-quarter section, except in the country comprised of Beaver, D, E, F, and H counties, and the Cherokee Outlet, west of range thirteen of the Indian meridian, when the same shall have been opened to settlement, in which country the maximum quantity allowed to be leased shall be one section, or 640 acres.

For the year ending June 30, 1893, leases to the number of 561 have been approved and forwarded to the governor for delivery to the lessees. Besides, on May 28, 1892, the governor, agreeably with his earnest recommendation that the school lands in the Arapahoe and Cheyenne country, opened to settlement in April last, be leased at an early day, was authorized to proceed in accordance with his recommendation.

The report of the governor for the calendar year ending December 31, 1892, shows the receipts to have been \$27,350.70 and the expenditures \$1,873.95.

Thus it will be seen that a large increase of the Territorial school fund from cash payments and payments of notes by the lessees has been made and may be expected in the near future; and when the Cherokee Strip shall have been opened to settlement the work, which is now continuous in character, will be of great magnitude.

My predecessor, in his annual report on this subject for the fiscal year ending June 30, 1892, recommended the enactment by Congress of supplemental or amendatory legislation placing the leasing and office property acquired out of the funds derived therefrom exclusively under the control of the Territorial legislature, with a proviso that for a reasonable time, for said legislature to provide by law for the leasing, it shall remain under the supervision of the Secretary of the Interior.

In this I most earnestly concur and renew the recommendation.

The land department of the General Government should not be charged with the supervision of this work. As the statute of 1891, above quoted, has been construed, it has become the duty of this office

not only to supervise the leasing in a general way, under your instructions, but to pass upon the correctness and completeness of each lease preparatory to approval by you, conduct a large amount of correspondence with the governor and individuals respecting the leasing, and to pass upon estimates of expenses.

The duty is a new one, and the work is not of the same character as that imposed upon this office by general law, to wit, the exercise of the duties pertaining to the survey and disposal of the public lands and the adjudication of private land claims.

Heretofore the officers under the direction of this office, besides inspectors and special agents, were the surveyors-general and registers and receivers of district land offices, who exercise functions exclusively national in character; but by this law and the regulations adopted thereunder an officer clothed with gubernatorial powers is placed under my direction as to certain of his duties.

The situation is an anomaly in the history of the land administrations of the Government, and should not be continued.

It is a matter that directly involves the interest of the Territory, into the treasury of which the funds derived from the leasing are deposited, to be expended as its legislature may direct, and the legislature could provide, by ample statutory authority, for the leasing, as well as enforcing the terms of the contract with the lessees, and all other matters pertaining thereto.

The school lands could then be leased more expeditiously, and with equal correctness and completeness as by the present system.

If you also concur in the above-mentioned recommendation, I would request that it be brought to the attention of Congress in such manner as you may deem proper.

DRAFTING DIVISION (L).

The work allotted to and executed by this division has reference to the compilation of maps of the United States and maps of individual States and Territories in which public land is located; the platting of all maps pertaining to township and lesser subdivisions; all diagrams; copies of plats and tracings; all examinations of location of right-of-way railroads, canals, ditches, and reservoirs; all calculations of areas of public lands; in short, all drafting and areal computations required by the General Land Office for individual, departmental, or other official purposes.

This division is also custodian of all official field notes of surveys of the public domain and of the originals, and photolithographic copies of maps and plats relative thereto.

In the land State and Territorial maps heretofore issued, various scales have been used, some being published on 8 miles to 1 inch, others on 9, 10, 12 or 14 miles, approximately. As a sequence, the proper

tying of maps of contiguous States has been impossible. To remedy this defect and secure a continuity in topography as well as township divisions, from State to State, a constant scale of 12 miles to 1 inch will hereafter be adopted for all such maps.

A uniform system of lettering and conventional signs has also been recently adopted, and will be applied to all maps issued by the division.

The following is a statement in detail of the work performed in this division during the fiscal year ending June 30, 1893, viz:

| | |
|--|-----------|
| Letters pending June 30, 1892 | 1 |
| Letters received during the year | 744 |
| | <hr/> 745 |
| Letters disposed of: | |
| By answer | 536 |
| By filing (no answer required) | 136 |
| By reference to other divisions | 67 |
| | <hr/> 741 |
| Balance pending June 30, 1893 | 4 |

The original drawing of the map of the United States was revised and corrected up to date, and an edition of 16,224 copies printed for publication by Messrs. Isaac Friedenwald & Co., of Baltimore, Md., of which the following disposition was made: 5,125 copies, United States Senate; 10,250 copies, House of Representatives; 849 copies retained in the General Land Office.

Tracings of the maps of Utah, Minnesota, Nevada, Oklahoma, and Montana have been forwarded to Forbes Lithograph Manufacturing Company, of Boston, Mass. It is contemplated to publish during the coming year editions of the maps of Wisconsin, Illinois, Indiana, and Iowa.

MINERAL LANDS.

| | |
|---|-------|
| Mineral, mill-site, and coal entries examined during the year | 1,388 |
| Mineral and mill-site applications (final proof not made) examined during the year, estimated | 45 |
| Mineral and mill site patents issued during the year | 1,623 |
| Coal patents issued during the year | 104 |
| Contests considered during the year | 127 |
| Quasi contests and agricultural cases considered during the year | 316 |

The work in the division (N) is about up to date. The contest cases, which are reported as being three months in arrears, are, in fact, taken up for examination as soon as is practicable, owing to the time required by resident attorneys for examination and the filing of briefs after the record is received.

While the number of entries patented is less than for the previous year, yet considerable time has been devoted to disposing of the cases in the suspended files, which show a material reduction since last year's report.

This has been accomplished without allowing the current entries, which are taken up for examination at the proper time and in the order in which they are received, to fall in arrears.

During the past year, under the instructions of the honorable Secretary of the Interior, it has required a considerable portion of the time of two clerks to examine the records, not only as to the character of the land in the townships containing railroad selections, but also as to the character of all the lands in the vicinity of the townships containing selections. This last requirement involves a greater amount of work than was formerly required, which work is not represented in the above estimate.

It has also become the policy of the Department to require an examination of the records, by this division, for evidence of the nonmineral character of the lands embraced in State selections made under the enabling acts.

It will thus be seen that the work of this division is increasing, both in the character and amount of the work.

SPECIAL-SERVICE DIVISION (P).

The work performed in this division during the fiscal year ending June 30, 1893, is summarized as follows:

| | |
|--|-------|
| Letters and reports received and registered..... | 9,438 |
| Letters and reports disposed of..... | 8,918 |
| Letters written | 4,880 |
| Pages of press copy books..... | 8,589 |

During the year, 82 agents were employed in the investigation of fraudulent entries, and otherwise protecting the public lands from illegal appropriation, timber trespass, applications for permits to cut timber on public lands under the act of Congress approved March 3, 1891 (26 Stats., 1093), and forest reserves under the act of March 3, 1891 (26 Stats., 1095-1103), the aggregate length of service being 446 months and 5 days, equivalent to 37 agents for the entire year and 1 agent for 2 months and 5 days.

PROTECTION OF PUBLIC LANDS.

The number of reports received from special agents and acted upon during the year is as follows:

| | |
|--|-------|
| Agents' reports pending June 30, 1892 | 452 |
| Agents' reports received during the year | 1,390 |
| Total..... | 1,842 |
| Agents' reports acted on during the year | 1,442 |
| Agents' reports pending June 30, 1893 | 400 |

Seven hundred and eighty-nine cases were referred to the special agents for investigation, hearings were ordered in 96 cases, 385 cases were held for cancellation, 358 canceled, and 1,269 examined and passed. Final action was taken in 2,418 cases, and there are now pending in the division (June 30, 1893), 2,422 cases.

There are 37 records of hearings now pending action, and 412 registers' and receivers' reports, and miscellaneous letters, awaiting answer.

Cases pending in Division P, June 30, 1893.

| Kinds of cases. | Alabama. | Arizona. | Arkansas. | California. | Colorado. | Florida. | Idaho. | Kansas. | Louisiana. | Michigan. | Minnesota. | Mississippi. |
|-----------------------------------|----------|----------|-----------|-------------|-----------|----------|--------|---------|------------|-----------|------------|--------------|
| Homestead entries..... | 17 | 6 | 14 | 42 | 4 | 1 | 1 | ... | 8 | 21 | 11 | 9 |
| Final homestead entries..... | 14 | 1 | 1 | 39 | 5 | ... | ... | 4 | 1 | 2 | ... | ... |
| Commutation cash entries..... | 15 | 1 | 1 | 2 | ... | ... | ... | ... | ... | ... | 45 | 2 |
| Preëemption cash entries..... | 12 | 6 | 12 | 22 | 24 | ... | 2 | 8 | ... | ... | 133 | ... |
| Preëemption filings..... | ... | 3 | ... | 6 | 13 | ... | 1 | ... | ... | 2 | ... | ... |
| Timber-culture entries..... | ... | 3 | ... | ... | 13 | ... | 18 | ... | 3 | ... | ... | ... |
| Final timber-culture entries..... | ... | ... | ... | 1 | ... | ... | ... | ... | ... | ... | ... | ... |
| Timber-land entries..... | ... | ... | ... | 742 | 10 | ... | ... | ... | ... | ... | ... | ... |
| Desert-land entries..... | ... | 4 | ... | ... | ... | ... | 5 | ... | ... | ... | ... | ... |
| Final desert-land entries..... | ... | 3 | ... | 5 | ... | ... | ... | ... | ... | ... | ... | ... |
| Private cash entries..... | ... | ... | 10 | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Mineral entries..... | ... | ... | ... | 14 | 16 | ... | ... | ... | ... | ... | ... | ... |
| Coal entries..... | ... | ... | ... | ... | 9 | ... | ... | ... | ... | ... | ... | ... |
| Coal filings..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... |
| Total..... | 48 | 27 | 29 | 931 | 84 | 1 | 27 | 13 | 12 | 25 | 189 | 11 |

| Kinds of cases. | Missouri. | Montana. | Nebraska. | New Mexico. | North Dakota. | Oklahoma. | Oregon. | South Dakota. | Utah. | Washington. | Wisconsin. | Wyoming. | Total. |
|-----------------------------------|-----------|----------|-----------|-------------|---------------|-----------|---------|---------------|-------|-------------|------------|----------|--------|
| Homestead entries..... | 1 | 1 | 81 | 1 | 12 | 9 | ... | 12 | 1 | 31 | 13 | ... | 296 |
| Final homestead entries..... | 1 | ... | 4 | 45 | ... | ... | ... | ... | 1 | 5 | 4 | 2 | 180 |
| Commutation cash entries..... | ... | 1 | 1 | 3 | 22 | 2 | 8 | 1 | ... | 2 | 2 | ... | 112 |
| Preëemption cash entries..... | ... | 3 | 30 | 16 | 6 | ... | 23 | 3 | 2 | 39 | ... | 3 | 324 |
| Preëemption filings..... | ... | 2 | 6 | 15 | 1 | ... | ... | ... | 1 | 2 | ... | ... | 39 |
| Timber-culture entries..... | ... | ... | 2 | ... | 163 | ... | 3 | ... | 2 | ... | ... | 5 | 220 |
| Final timber-culture entries..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 1 |
| Timber-land entries..... | ... | ... | ... | ... | ... | 136 | ... | ... | ... | 229 | ... | ... | 1,117 |
| Desert-land entries..... | ... | 5 | ... | 2 | ... | 2 | ... | ... | 6 | ... | ... | 7 | 31 |
| Final desert-land entries..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 8 |
| Private cash entries..... | ... | ... | ... | 2 | ... | ... | ... | ... | ... | ... | ... | ... | 12 |
| Mineral entries..... | ... | 2 | ... | ... | ... | ... | ... | ... | ... | 2 | ... | ... | 34 |
| Coal entries..... | ... | 3 | ... | 1 | ... | ... | ... | ... | ... | 19 | ... | 12 | 44 |
| Coal filings..... | ... | ... | ... | ... | ... | ... | ... | ... | ... | 4 | ... | ... | 4 |
| Total..... | 2 | 17 | 124 | 85 | 204 | 11 | 172 | 18 | 11 | 333 | 19 | 29 | 2,422 |

TIMBER DEPREDATIONS.

Ninety-two cases of depredations upon public timber have been reported during the year, involving public timber, and the products therefrom, to the value of \$195,692.46 recoverable to the Government.

The amount involved in propositions of settlement accepted by this office, and compromises effected under section 3469, United States Revised Statutes, is \$11,503.24; and the amount recovered through legal proceedings so far of record (the United States attorneys' reports for various districts not having been received up to date of preparing this report) is \$43,049.42; making a total amount recovered during the year on account of depredations upon the public timber of \$54,552.66.

On the 1st of July, 1893, so far as reported by the United States attorneys, there were pending in the United States courts 105 civil suits, for the recovery of a total amount of \$839,880.26, for the value of timber alleged to have been unlawfully cut from public lands, and

227 criminal prosecutions, for the act of cutting or removing timber in violation of law.

The fact that reports from some of the United States attorneys have not as yet been received renders it impracticable at this time to submit a statement which will correctly present the condition of cases involving legal proceedings.

FRAUDULENT ENTRIES.

COMPULSORY ATTENDANCE OF WITNESSES AT HEARINGS.

In the annual report of this office for the fiscal year ending June 30, 1889 (p. 54), and in previous reports, recommendations were made for legislation by Congress providing for the compulsory attendance of witnesses at hearings before registers and receivers of local land offices, in trials involving the validity or bona fides of entries on the public lands; but I fail to find in any subsequent reports a renewal of said recommendation, which seems to me to be one of the most important questions concerning the proper and just administration of the public land laws that can be presented for the consideration of Congress.

Appropriations are made annually by Congress for the expenses of special agents to investigate and report upon alleged fraudulent entries of the public lands, and also appropriations for the expenses of hearings arising from action taken upon such special agents' reports, but the records of this office show that a large portion of the moneys so appropriated for the protection of the public lands is actually wasted, by reason of the inability of the Government to compel the attendance of witnesses to sustain its position at the hearings, and thus secure the necessary proof upon which to cancel entries reported as fraudulent by special agents, and restore the land covered thereby to the public domain.

The same condition of affairs exists in regard to contests between individuals relating to entries upon the public lands. Many an honest, but illiterate and poor, settler upon the public lands has been defrauded of his home by the introduction of paid for and perjured evidence at a hearing before the register and receiver of the local land office, simply because of his inability to procure the attendance of witnesses to show his good faith and compliance with law.

Nothing can be of more importance to our citizens than the integrity and stability of the titles to their homes; upon that rests the whole foundation of the Government. The hearings held before registers and receivers in public land entries are of precisely the same character as suits at law to quiet title, and should be surrounded by the same safeguards.

I find that in the first session of the Fifty-first Congress a bill (H. R. 7216) was introduced, entitled "A bill providing for the compulsory attendance of witnesses before registers and receivers of the land

office," and the same was debated and passed, transmitted to the Senate, and referred to the Senate Committee on Public Lands, from which it was never reported back to the Senate. The bill, when reported to the House from the House Committee on Public Lands, was accompanied by a report (No. 313).

This bill (H. R. 7216) seems to meet all of the requirements, and I recommend its re-introduction and passage.

TIMBER ON THE PUBLIC LANDS.

This office has met with almost insurmountable difficulties in the way of successfully prosecuting cases of alleged depredations upon the public timber, and of effectually protecting and preserving the same, by reason of the several ambiguous and conflicting laws now on our statute books relating thereto. In order that this may be readily understood and appreciated, I submit the following schedule of such laws:

Section 2460, U. S. R. S., authorizes the President to employ so much of the land and naval forces of the United States as may be necessary to effectually protect public timber in the State of Florida, or to take such other and further measures as may be advisable.

Section 2461, provides a fine of triple the value of the timber and imprisonment not exceeding twelve months, in instances in which timber is cut or removed from public lands reserved for the use of the Navy, or from any any other public lands for use other than for the Navy of the United States. (See 4751.)

Section 2462, provides for the forfeiture to the United States of any vessel having on board, with knowledge of the master, owner or consignee, timber taken from naval reserve or other public lands, with intent to transport the same to any port or place within the United States, or for export to any foreign country; and further provides that the captain or master of such vessel shall pay to the United States a sum not exceeding \$1,000. (See 4751.)

Section 2463, provides that collectors of customs in Alabama, Mississippi, Louisiana, and Florida, before allowing clearance to any vessel having on board live-oak timber, must ascertain that the same was cut from private lands, or if from public lands, by consent of the Navy Department; and also provides that timely prosecution be instituted against parties guilty of depredations on live oak in those States. (See 4205, 4751.)

Section 4205 reads as follows: "Collectors of the collection districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or if from public lands, by consent of the Department of the Navy." (See 2463.)

Section 4751 provides that all penalties and forfeitures under sections 2461, 2462, and 2463 shall be recovered, etc., under the direction of the Secretary of the Navy—one-half to be paid to the informers or captors and the other half to the Secretary of the Navy; and also authorizes the Secretary to mitigate any fine, penalty, or forfeiture so incurred.

Section 5388 provides a fine of not more than \$500 and imprisonment not more than twelve months in every instance in which timber is unlawfully cut or injured on lands reserved or purchased for military or other purposes. (See 2460-2463.)

Act of March 3, 1875 (18 Stats., 481), section 1 provides a fine of not exceeding \$500 or imprisonment not exceeding twelve months, in instances in which orna-

mental or other trees on surveyed public lands which have been reserved, have been cut or injured.

Section 2 provides a fine not exceeding \$200 or imprisonment not exceeding six months for the breaking open or destroying of any gate, fence, hedge, or wall inclosing any lands reserved or purchased by the United States.

Section 3 provides a penalty of not exceeding \$500, or imprisonment not exceeding twelve months for the breaking in of any inclosure around lands reserved or purchased by the United States, and permitting cattle, horses, and hogs to enter therein when they may or can destroy the grass, trees, or other property of the United States.

Act of March 3, 1875 (18 Stats., 482), grants the right of way through the public lands of the United States to any railroad company which has filed with the Secretary of the Interior due proof of its organization, etc., and, also, the right to take, from lands adjacent to the line of the road, timber necessary for the construction of the road. (See Rules and Regulations prescribed August 29, 1885.)

The several land grants to railroads also authorized them to cut timber from public lands for construction purposes. This authority, however, is confined strictly to timber for construction purposes in every grant except that to the Denver and Rio Grande Railroad, which authorizes said road to take timber for repairs also.

Act of April 30, 1878 (20 Stats., 46), provides "That where wood and timber lands in the Territories of the United States are not surveyed and offered for sale in proper subdivisions, convenient of access, no money herein appropriated shall be used to collect any charge for wood or timber cut on the public lands in the Territories of the United States for the use of actual settlers in the Territory and not for export from the Territories of the United States where the timber grew: *And provided further*, That if any timber cut on the public lands shall be exported from the Territories of the United States it shall be liable to seizure by United States authority wherever found."

This provision was undoubtedly intended to be general and permanent in its effect, but as it only related to the money appropriated by that act, it is a question as to whether it did not expire with the act.

Act of June 3, 1878 (20 Stats., 88), authorizes citizens and bona fide residents of Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana, and all other mineral districts, to use for building, agricultural, mining, or other domestic purposes, timber on public lands, said lands being mineral, and not subject to entry under existing laws of the United States, except for mineral entry. (See Rules and Regulations prescribed August 5, 1886.)

Act of June 3, 1878 (20 Stats., 89), section 1 provides for the sale of unreserved surveyed but unoffered public timbered lands in California, Oregon, Nevada, and Washington in quantities not exceeding 160 acres to any one person or association of persons at \$2.50 per acre.

Section 4 prohibits the cutting, removing, or destroying of any timber on public lands in the States named with intent to export or dispose of the same, under penalty to the trespasser and the owner or consignee of any vessel or railroad on which the timber is transported of a fine of not less than \$100 or more than \$1,000.

Section 5 provides that any person who is prosecuted in the States named for trespass under section 2461, United States Revised Statutes, may be relieved from prosecution by paying a sum equal to \$2.50 per acre for the land on which the timber was cut. (See Rules and Regulations prescribed August 15, 1878).

Act of June 15, 1880 (20 Stats., 237), provides that where timber was unlawfully cut from public timber lands prior to March 1, 1879, and the lands have subsequently been entered and the Government price paid therefor in full, no criminal proceedings for trespass shall be further maintained; and no civil suit shall be maintained where the timber was taken in clearing the land for cultivation, or working a mining claim, or for agricultural or domestic purposes, or for maintaining the improvements of a settler, etc.

Act of June 4, 1888 (25 Stats., 166), provides as follows:

"That section fifty-three hundred and eighty-eight of the Revised Statutes of the United States be amended so as to read as follows: 'Every person who unlawfully cuts or aids or is employed in unlawfully cutting, or wantonly destroys or procures to be wantonly destroyed any timber standing upon the land of the United States, which, in pursuance of law, may be reserved or purchased for military or other purposes, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under authority of the United States, shall pay a fine of not more than five hundred dollars or be imprisoned not more than twelve months, or both, in the discretion of the court.'"

Act of February 16, 1889 (25 Stats., 673), provides that the President may authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, remove, and dispose of the dead or down timber thereon for the sole benefit of the Indians. It is further provided that whenever there is cause to believe that the timber has been killed or otherwise injured for the purpose of securing its sale under this act such authority shall not be granted.

Act of March 3, 1891 (26 Stats., 1093), entitled "An act to amend section 8 of an act approved March 3, 1891," etc., permits residents in the States of Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, and Nevada, the District of Alaska, and the Territory of Utah to take timber from public lands therein under rules and regulations prescribed by the Secretary of the Interior. (See Rules and Regulations prescribed May 5, 1891.)

Act of March 3, 1891 (26 Stats., 1095), section 24 of which provides for the establishment of forest reservations in any State or Territory having public lands bearing forests. (See Rules and Regulations prescribed May 15, 1891.)

Act of August 4, 1892 (27 Stats., 348), extending the provisions of the act of June 3, 1878 (20 Stats., 89), to all the public-land States.

Act of February 13, 1893 (27 Stats., 344), extends the provisions of the act of March 3, 1891 (26 Stats., 1093), to include the Territories of New Mexico and Arizona.

In addition to the above specific legislation in respect to timber on public lands the inceptive rights acquired by a homestead claimant are held to extend to the use of so much timber as it may be necessary to fell or remove in clearing the land for cultivation or for buildings, fences, or other improvements on the land.

RECAPITULATION.

ACTS FOR THE PROTECTION AND PRESERVATION OF THE PUBLIC TIMBER.

Section 2460, United States Revised Statutes: Authorizing use of Army and Navy to prevent timber depredations in Florida.

Section 2461, United States Revised Statutes: Prohibiting the cutting of timber from any public lands for any purpose whatever, except for the use of the Navy of the United States.

Section 2462, United States Revised Statutes: Providing penalties for transporting or exporting any timber cut from naval reserve or any other public lands.

Sections 2463 and 4205, United States Revised Statutes: Providing that collectors of customs in Alabama, Florida, Louisiana, and Mississippi must see to it that no live-oak timber is transported or exported out of said respective States.

Section 4751, United States Revised Statutes: Providing relative to recovering and disposition of penalties and forfeitures under sections 2461, 2462, and 2463

Section 5388, United States Revised Statutes: Prohibiting the cutting or destroying of timber on reserved lands.

Act of March 3, 1875 (18 Stats., 481): Prohibiting the cutting, destroying, or injuring of any trees on reserved lands.

Act of June 3, 1878, section 4 (20 Stats., 89): Prohibiting the cutting of timber in California, Oregon, Nevada, or Washington for export, disposal, or transportation. This act, by act of August 4, 1892, applies to all the public-land States.

Act of June 4, 1888 (25 Stats., 166): Prohibiting the cutting of timber on lands reserved for military or other purposes, or on Indian reservations, etc.

Act of March 3, 1891 (26 Stats., 1095): Authorizing the President of the United States to make forest reservations.

ACTS AUTHORIZING THE USE OF PUBLIC TIMBER.

Act of March 3, 1875 (18 Stats., 482): Authorizing right-of-way railroads to procure timber from public lands for construction purposes.

Act of April 30, 1878 (20 Stats., 48): Providing that none of the money thereby appropriated shall be used in the prosecution of suits for timber trespass where the timber has not been exported out of the State or Territory where cut. Expired by limitation—only applied to that year's appropriation.

Act of June 3, 1878 (20 Stats., 88): Authorizing the cutting of timber from public mineral lands in Colorado, Nevada, New Mexico, Arizona, Utah, Wyoming, Dakota, Idaho, and Montana for domestic purposes.

Act of June 3, 1878 (20 Stats., 89): Authorizing the sale of public timber lands in California, Oregon, Nevada, and Washington, and the cutting by miners and agriculturists for their own individual use only, and for the use of the United States. This act, by the act of August 4, 1892 (27 Stats., 348), is extended to all the public-land States.

Act of February 16, 1889 (25 Stats., 673): Authorizing Indians on reservations to cut, remove, and dispose of dead and down timber.

Act of March 3, 1891 (26 Stats., 1093): Authorizing the cutting of timber in Colorado, Montana, Idaho, North Dakota, South Dakota, Wyoming, Alaska, Nevada, and Utah for all domestic purposes, under rules and regulations to be prescribed by the Secretary of the Interior. The act of February 13, 1893 (27 Stat., 344), extends the operations to New Mexico and Arizona.

Act of August 4, 1892 (27 Stats., 348): Extending the provisions of the act of June 3, 1878 (20 Stats., 89) to all the public-land States.

Act of February 13, 1893 (27 Stats., 344): Extending the provisions of the act of March 3, 1891 (26 Stats., 1093), to include the Territories of New Mexico and Arizona.

A careful examination and comparison of the provisions of these several laws disclose the utter inadequacy of legislation thus far enacted to provide for the legitimate procuring of public timber to supply the actual necessities of the people dependent thereon in aiding and promoting settlement and developing the natural resources of the public lands, or to properly protect and preserve the forests for the conservation of the water supply and the needs of the future.

The result of judicial proceedings under these laws has proved that some are too impracticable to be enforced. That is particularly the case with respect to section 2461, United States Revised Statutes, which prohibits the cutting or removing of public timber "with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States," under a penalty of "a fine not less than triple the value of the trees or timber" involved, and imprisonment for a term not exceeding twelve months. This statute is so severely restrictive that it is practically a dead letter. So far

as shown by the records of this office every effort to enforce it has been futile.

The ambiguities of the timber laws throw another obstacle in the way of enforcing them for the protection of the forests. This difficulty arises under the act of March 3, 1875 (18 Stats., 482), authorizing right-of-way railroad companies to take timber from the public lands "*adjacent to the line*" of their roads for the *construction* thereof; and under the several land-grant acts to railroad companies conferring the same privileges. The attempt of the Department and the courts to properly and definitely construe the terms "adjacent" and "construction" has resulted in conflicting rulings, so that the question is still open as to whether "*adjacent*" timber lands may lie either 1 mile or 100 from the road, or may lie laterally from the line of the road or from its terminus, or may be such as are most conveniently accessible by railroad or waterways; and the term "construction" is held by some authorities to apply only to the road bed proper and the first laying of the tracks; and by others to extend also to the subsequent change of gauge and to the construction of bridges, snow sheds, fences, depots, and freight houses. It has even been contended that its application extends to the construction of rolling stock.

The grant to the Denver and Rio Grande Railway Company of Colorado presents not only the difficulties of the ambiguity of language above mentioned, but also the inconsistency of allowing that company the privilege granted to no other road of taking timber from public lands for *repairs*.

These provisions of law conferring timber privileges upon railroad companies should either be repealed or so amended as to explicitly and clearly state, beyond question, the limitations as to *place* for procuring and *purpose* for which they can appropriate the public timber. The amount of timber taken from the public lands for railroad purposes under the loose provisions of law result in an enormous waste of public timber and an unnecessary devastation of certain portions of the forests along the water courses and head waters of streams that should be reserved for the public interests.

The act of June 3, 1878 (20 Stat., 88), authorizing the cutting of timber from public *mineral* lands in certain States and Territories, has also been subject to such varying and conflicting decisions, both official and judicial, as to the true construction to be placed upon the expression "*mineral lands*," that under cover of the obscure terms of the act many million feet of timber have been unlawfully cut and removed from the public lands. The act is pernicious and prejudicial to the public good. Minerals principally abound in mountainous regions, in canyons and gulches near rivers and streams which irrigate the valleys below. The floods which yearly inundate and devastate these valleys are the inevitable result of the destruction of the forest protection in these mineral regions.

No less pernicious and prejudicial to the public good are the operations of the act of June 3, 1878 (20 Stat., 89), providing for the sale of unreserved surveyed public timber lands in certain named States and the then Territory of Washington, and which, by the act of August 4, 1892 (Public, 199), was extended to all the public-land States. In the States to which it was first made applicable the act has resulted in placing the most valuable unreserved surveyed timber lands under the possession and control of a few wealthy syndicates, saw-mill operators, and lumber dealers. The same result will inevitably and speedily follow in the remaining public-land States should the act continue in force therein. Attention is called to the fact that (probably through inadvertence) this act is not applicable to the Territories.

Section 4 of the said act is almost as restrictive in its operations as section 2461, U. S. Revised Statutes. It prohibits the cutting or removing of any public timber with intent to "dispose" of it, and permits only the miner or agriculturist to cut in clearing his claim or procuring the timber necessary to support his improvements.

Section 6 of the said act provides, "That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed."

Said sections 4 and 6, being extended by the act of August 4, 1892, making the act, of which they are a portion, "applicable to all the public land States," might be construed to repeal all prior acts conferring timber-cutting privileges; but I am satisfied that such was not the intention of Congress, the manifest purpose of the act of August 4, 1892, being, as therein stated, to make the provisions for the sale of public timber lands applicable to all the public-land States, and not to repeal the special act of March 3, 1891, and absolutely prohibit, by the general act, the cutting and removal of timber from the public lands of certain States for necessary agricultural, mining, manufacturing, and domestic uses in those States under conditions and limitations prescribed by the Secretary of the Interior, as allowed by the said special act.

The penalty under section 2461, U. S. Revised Statutes, is a fine of not less than triple the value of the trees cut or removed and imprisonment for not exceeding twelve months, while the penalty for the same offense under section 4 of the act of June 3, 1878 (20 Stat., 89), and extended by the act of August 4, 1892, to all the public-land States, is only a fine of not less than \$100 nor more than \$1,000, without imprisonment; and by the same act it is provided that, in cases of prosecution under section 2461, U. S. Revised Statutes, relief therefrom and from further liability may be obtained by payment at the rate of \$2.50 per acre of the land from which the timber was cut or removed.

The penalty for cutting from reservations of public lands is a fine of not more than \$500 and imprisonment for not more than twelve months.

From the foregoing presentation of the ambiguities, inconsistencies, and conflict of law on the subject of timber cutting, and the oppressive operation of some of these laws strictly construed and enforced, it is

apparent that such new legislation on the subject is imperatively needed as will repeal all unwise prohibitions, remove all conflicts of law, and make beneficent and wise provision, in clear and explicit terms, for both the essential use and salutary preservation of the timber on the public domain.

During the last four sessions of Congress a number of bills were introduced relating to public timber and forest reservation, each of which contained some wise and beneficial provisions for the public good.

None of these bills have, however, become laws, probably for the reason that the local interests in the widely separated areas of timbered lands in our country are so diversified that it is extremely difficult to prepare a bill for the judicious utilization, protection, and preservation of the public forests that will meet with equal force the requirements of all sections. The timber interests of the people in the mountainous and mineral regions and those in the lowlands, the arid and agricultural regions, are of a different character, as are also the interests of the people in the prairie States and the timbered States, and to provide in a general bill for all these varied interests so that there will be no discrimination in respect to any particular section of our common country, and the people in the different sections may all be subject to the same general restrictions in respect to the protection and preservation of the public timber, and at the same time be granted the same privileges and benefits in the judicious utilization thereof to meet the requirements of their respective necessities, is an arduous task.

After a careful consideration of the subject I am of the opinion that Congress should provide legislation by which the authority would be placed in the hands of the Secretary of the Interior to have the lands properly to be classed as timber, or lands more valuable for the timber thereon than for agriculture or for minerals, segregated from the other classes of public lands and held for disposal at such price, not less than \$2.50 per acre, as to him may appear proper, or, at his discretion, for the sale of the timber thereon at such rates of stumpage as he may judge suitable, after examination by the proper agents of the Department, with such provision as to ways and means of accomplishing the purpose in view as the wisdom of Congress may devise, and with the further provision that the money to arise from the disposal of the timber or land may be applied to paying the expenses of protecting the timber from depredations, fire, etc., the remainder to be placed in the Treasury.

I would, therefore, respectfully recommend such legislation.

TIMBER PERMITS.

The system of issuing permits to cut public timber to supply the actual necessities of the people in the several public-land States and Territories, under the act of March 3, 1891 (26 Stats., 1093), would be, in my opinion, advantageous and beneficial if properly administered,

but the rules and regulations prescribed thereunder by the Department under date of May 5, 1891, need some modifications in the shape of additional restrictions and conditions, which will receive my attention at an early day.

As showing the practical operation of the existing system during the fiscal year ending June 30, 1893, it may be stated that applications for permits to cut public timber under the said act have decreased from 425 received during the fiscal year ending June 30, 1892, to 87 (including applications for renewals) received during the last fiscal year.

It would appear from this decrease that there is either some defect in the law or in the administration thereof. I have not, however, had opportunity as yet to examine as to the causes responsible for this result.

I deem it well to further direct attention to the significant fact that although the provisions of the said act of March 3, 1891, were, on February 13, last, extended by Congress to include the Territories of Arizona and New Mexico, as yet no applications for public timber permits have been received from either of these Territories.

The following table shows in detail the number of applications pending action July 1, 1892, the number received during the fiscal year, the nature of action thereon, and the number pending action July 1, 1893:

Statement showing in detail the number of applications for public timber permits received and acted upon during the year and those pending June 30, 1893; also showing the number of permits canceled during the year.

| States, Territories, and districts. | Applications pending consideration July 1, 1892. | | Applications received during the fiscal year 1893. | | Nature of action on applications. | | | | | Total. | Permits canceled. |
|-------------------------------------|--|--------------------|--|--------------------------------------|-----------------------------------|------------------------|--|---|--|--------|-------------------|
| | By this office. | By the Department. | Applications in new cases. | Applications for renewal of permits. | Total. | Applications rejected. | Applications on which permits have issued. | Applications before the Department for approval of permits. | Applications pending consideration by this office. | | |
| Alaska | 4 | | | | 4 | | | | 4 | 4 | |
| Colorado | 12 | | 16 | | 28 | 6 | 16 | | 6 | 28 | 2 |
| Idaho | 66 | 3 | 11 | 2 | 82 | 60 | 16 | | 6 | 82 | 6 |
| Montana | 63 | 1 | 15 | 8 | 87 | 41 | 25 | 5 | 16 | 87 | 12 |
| Nevada | 1 | | 3 | | 4 | 2 | | | 2 | 4 | |
| South Dakota | 6 | | | | 6 | 3 | 1 | | | 6 | |
| Utah | 57 | | 26 | 1 | 84 | 42 | 25 | 7 | 10 | 84 | 6 |
| Wyoming | 9 | 1 | 5 | | 15 | 4 | 8 | 1 | 2 | 15 | 1 |
| Total | 218 | 5 | 76 | 11 | 310 | 160 | 91 | 13 | 46 | 310 | 27 |

FOREST RESERVATIONS.

During the year nine additional forest reservations have been created under section 24 of the act of March 3, 1891 (26 Stats., 1095), authorizing the President to set aside and reserve, from time to time, public lands bearing forests or in part covered with timber or undergrowth.

There are now fifteen of these reservations, embracing an estimated area of 13,053,440 acres, as follows:

| States and Territories. | Name of reservation. | Locality. | Date of proclamation creating reservation. | Estimated area. |
|-------------------------|--|--|--|-----------------|
| | | | | <i>Acres.</i> |
| Alaska | Afognak Forest and Fish Culture Reserve. | Afognak Island and its adjacent bays and rocks and territorial waters, including, among others, the Sea Lion Rocks and Sea Otter Island. (Reserved under secs. 24 and 14, act of March 3, 1891.) | Dec. 24, 1892 | |
| Arizona | Grand Canyon Forest Reserve. | In Coconino County | Feb. 20, 1893 | 1,851,520 |
| California | San Gabriel Timber Land Reserve. | In Los Angeles and San Bernardino counties. | Dec. 20, 1892 | 555,520 |
| | Sierra Forest Reserve. | In Mono, Mariposa, Fresno, Tulare, Inyo, and Kern counties. | Feb. 14, 1893 | 4,096,000 |
| | San Bernardino Forest Reserve. | In San Bernardino County | Feb. 25, 1893 | 737,280 |
| | Trabuco Canyon Forest Reserve. | In Orange County | Feb. 25, 1893 | 49,920 |
| Colorado | White River Plateau Timber Land Reserve. | In Routt, Rio Blanco, Garfield, and Eagle counties. | Oct. 16, 1891 | 1,198,080 |
| | Pikes Peak Timber Land Reserve. | In El Paso County | {Feb. 11, 1892} {Mar. 18, 1892} | 184,320 |
| | Plum Creek Timber Land Reserve. | In Douglas County | June 23, 1892 | 179,200 |
| | The South Platte Forest Reserve. | In Park, Jefferson, Summit, and Chaffee counties. | Dec. 9, 1892 | 683,520 |
| | Battlement Mesa Forest Reserve. | In Garfield, Mesa, Pitkin, Delta, and Gunnison counties. | Dec. 24, 1892 | 858,240 |
| New Mexico | The Pecos River Forest Reserve. | In Santa Fe, San Miguel, Rio Arriba, and Taos counties. | Jan. 11, 1892 | 311,040 |
| Oregon | Bull Run Timber Land Reserve. | In Multnomah, Wasco, and Clackamas counties. | June 17, 1892 | 142,080 |
| Washington | The Pacific Forest Reserve. | In Pierce, Kittitas, Lewis, and Yakima counties. | Feb. 20, 1893 | 967,680 |
| Wyoming | Yellowstone National Park Timber Land Reserve. | On the south and east of the Yellowstone National Park. | {Mar. 30, 1891} {Sept. 10, 1891} | 1,239,040 |

The areas given are the estimated aggregate areas lying within the boundaries of the reservations. The lands actually reserved are only the vacant, unappropriated public lands, title to portions thereof having passed from the Government before the establishment of the reservations; and where settlers and others initiated bona fide claims prior to the date of the withdrawal of lands for reservation purposes, they have the right to complete their claims upon showing a due compliance with the law.

Several proposed reservations have been examined by special agents and are now awaiting consideration by this office or the Department. A number of reservations have been petitioned for by settlers and residents of the localities suggested, and a number have been recommended by associations and individuals interested in the subject; but it has not been possible up to the present time to make proper examination of the tracts proposed.

In establishing reservations it has been the aim to cover the head waters of streams, so that the water supply may be protected as far as possible. The lands selected have, as a rule, been rough and moun-

tainous, but areas of agricultural lands sometimes necessarily fall within the boundaries it is deemed proper to establish.

Generally speaking, the reservations are favored by the people directly affected. Much of the present opposition will disappear when regulations are prescribed that will permit the provident use of the timber and the development of the mineral resources.

That forest reservations are needed, and a more positive protection by the Government of the forests, is evidenced by the reports received in this office, showing the widespread destruction by the woodsman and the still greater devastation wrought by the forest fires, resulting in not only laying bare large areas of timber land (which seem never to be reforested as nature first clothed it), but also in the rapid and permanent diminution of the water supply.

Forest fires are generally the result of carelessness or viciousness on the part of lumbermen, prospectors, campers, or hunters; and in the mountain districts where sheep raising is an industry it appears to be the practice of the herders, upon driving their sheep out, to set fire to the timber and undergrowth for the purpose of providing new pasture for the following season, thus destroying immense bodies of timber.

In passing the law for the establishment of forest reservations no provision was made for their protection, and they therefore stand in the same position as unreserved public lands, so far as regards the meager supervision this office can give them to prevent trespass and fires. This was the subject of my office letter to you of June 23, 1893, in which was recommended, as a temporary expedient, the establishment of cavalry camps in the reservations for the summer and fall months, as a guard against fires and other encroachments.

The question of providing adequate means for the protection and management of forest reservations has heretofore been presented to Congress in the shape of bills and reports, and it is important that some provision be promptly made covering the subject.

RECOMMENDATIONS.

In closing this report I desire to refer specially to the following recommendations contained therein, viz:

(1) Recommendation that a law be enacted to create the office of United States surveyor-general for Alaska, with provision for the compensation of the surveyor-general, for the necessary clerical service, and for the rent and contingent expenses of his office.

(2) Recommendation that a law be enacted for placing the business connected with the leasing of Oklahoma school lands under the control of the Territorial authorities.

(3) Recommendation of proper legislation for the segregation of timber lands from the agricultural and other lands of the public domain,

and the proper disposal of the land and the timber under the direction of the Secretary of the Interior.

(4) Recommendation of the providing by law of adequate means for the protection and management of forest reservations established under existing law.

(5) Recommendation that a law be enacted for compulsory attendance of witnesses at Land-Office hearings.

(6) Recommendation that existing laws be so modified that the Commissioner of the General Land Office may authorize, when deemed expedient, surveys and resurveys at a reasonable compensation by the day, instead of by the mile, and when surveys are required involving only a small expenditure that the said Commissioner may authorize the same to be made for a specified sum for the entire work.

Respectfully submitted.

S. W. LAMOREUX,
Commissioner.

Hon. HOKE SMITH,
Secretary of the Interior.

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